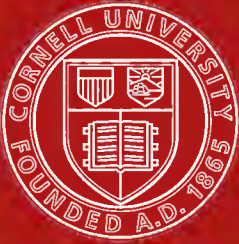


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ENGLISH STUDIES

(No. V)

LEONARD COX

THE ARTE OR CRAFTE OF RHETHORYKE

A REPRINT

EDITED

WITH AN INTRODUCTION, NOTES, AND GLOSSARIAL INDEX

BY

FREDERIC IVES CARPENTER, Ph.D.

CHICAGO

The University of Chicago Press

1899

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PREFACE.

THE object of this number of the English Studies of the University of Chicago is to make accessible in a literal reprint the first Rhetoric printed in the English language. The work here reproduced is one of the earliest English schoolbooks and is significant for the history of English prose in the first half of the sixteenth century. It is moreover a work connected in many interesting ways with the humanistic movement and the revival of learning in England, and with Erasmus, Melanchthon, and their associates. In the Introduction I have endeavored to arrange and present all the important material available for the elucidation of the life and work of Cox, himself one of this circle. Much of this material apparently has been hitherto overlooked or insufficiently considered, but I have studied to present it without comment so far as possible. I regret that several points still remain in doubt and that I have been unable to discover and consult several works ascribed to Cox and here listed in the Bibliography of his Works.

The digest of Melanchthon, Cox's principal source, by Mosellanus, is here given, inasmuch as the correspondence between the works of Cox and Melanchthon is so close that this digest serves equally well as an analytical table of contents for Cox. Later on the source in full in Melanchthon, so far as used by Cox, also is reprinted. The reprint of Cox's own text follows the undated first edition (A) of circa 1530, usually assigned by bibliographers to 1524. Corrections and variant readings from the edition of 1532 (B) are noted at the foot of the page; but a few corrections in punctuation introduced in B have been silently adopted. Contractions have been generally expanded and in all cases are indicated by italics.

I desire to express my especial obligations to Professor W. D. MacClintock of the University of Chicago, who first suggested the

present reprint. I am indebted for suggestions or for assistance received also to the authorities of the Library of the British Museum, and especially to Messrs. A. W. Pollard, R. Proctor, and Richard Garnett; to Mr. Henry R. Plomer, London; to Professor R. M. Werner of the University of Lemberg; to Professor C. H. Moore of Harvard University; and to Professors Paul Shorey and J. M. Manly and Dr. Karl Pietsch of the University of Chicago.

FREDERIC IVES CARPENTER.

UNIVERSITY OF CHICAGO,
January 1899.

INTRODUCTION.

The beginnings of English literary criticism in the sixteenth century have a curious interest. In them, scanty and halting as they often are, we can trace the first expression of the literary self-consciousness which was awakening with the growth of the new literature and the new civilization of the Renaissance. In poetry it is long before there is a full statement of principles¹; in prose, an artistic form much later in reaching its full development than poetry, it is longer still. The theory of prose, during the entire century and even far beyond the century, clings to the traditions of oratory and the classifications and precepts of ancient rhetoric, as modified and interpreted by Mediæval and Renaissance thought. The first steps in the formation of modern English prose are strangely timid and groping. Strong practical needs drive men to seek the means of ordered and effective expression in the prose vernacular. But native models of expression are lacking. Hence there is a movement of education and a resort to foreign teaching and aid. All England is at school to foreign models.

It is in this way that the early English rhetorical treatises of the sixteenth century are of importance. They are documents in the history of English education as they are in English literary history. They did practical service in training men to ordered utterance, and at the same time they gave expression, at least in part, to the accepted theory of English prose.

The first of these treatises by a quarter-century, and in its way the most interesting, perhaps as much for what it lacks as for what it gives, is the little work by Leonard Cox on the *Arte or Crafte of Rhethoryke*, herewith reprinted for the first time.² It is characteristic of its period and highly interesting as one of the rather slender list of productions by that little band of humanists and reformers in letters, education, and religion, of whom Colet, Lilly, and More were the chief members in England.

¹ See Schelling's *Poetic and Verse Criticism of the Reign of Elizabeth*.

² The originals are excessively rare. I know of only two copies, that in the British Museum and that in the Bodleian Library.

I. THE AUTHOR AND HIS CAREER.

Cox himself, scholar, schoolmaster, and preacher in the reigns of Henry VIII and Edward VI, so far as we can reconstruct the story of his career from the confused and defective materials at our command, although playing a minor part, seems to have led a life typical of the times and interesting in its vicissitudes. Educated at both universities, traveling abroad and teaching in three or four of the foreign universities, translating from Erasmus, Melanchthon, and others, writing learned scholia and commentaries, Cox came into touch in one way or another with most of the great men of letters and of learning in his age, and counted among his friends such men as Erasmus, Melanchthon, Leland, Palsgrave, Bale, Faringdon, Toy the printer, and John Hales. He was in public employment, patronized by Cromwell, and pensioned off in a small way¹ among the other beneficiaries from the spoliation of the ancient religious foundations, and so finally became a preacher of the reformed religion under Edward VI and teacher in the grammar schools at Reading, and perhaps at Caerleon and Coventry. Cox thus witnessed and took his share in the two great movements of the first half of the century in England, that of the early Humanism, whose chief representatives were Erasmus and Colet, and that of the religious Reformation which at first was so intimately associated with the movement of Humanism.

Concerning the date of Cox's birth we know nothing. It must be placed before the opening of the sixteenth century, for as early as 1518 we find the learning of Cox already so well established as to secure for him the honor of delivering a Latin oration at Cracow in Poland.² It is probable that by this date Cox was teaching in the Academy at Cracow, where at any rate in 1524 we find him entered as full master.

Between these dates, however, he had traveled elsewhere and had been concerned with other matters, for in 1519 we find the following entry concerning him among the "Accounts at Tour-nay."³

¹ See *infra* p. 16.

² See entry of the title of this oration in list of Cox's works below, p. 18.

³ In *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, ed. J. S. Brewer (London 1867), Vol. III, No. 153 (24).

"Mem. A horse and money given to Leonard Cokks to convey stuff from Tournay to Antwerp . . . Money given to Leonard Cox, Shurland the jester and gunner, and to Matthew's brother at his going to school at Paris."

The next definite date in the life of Cox which I can discover is the publication in 1524 of his scholia, in Latin, on the Latin poem on Hunting by the Cardinal Adrian.¹ This work is dedicated by Cox to "Iodoco Ludovico Dedo serenissimo ac potentissimo Regi Poloniæ à Secretis. Mœcenati suo. S. D. P." and the dedication is dated "ex Gymnasio nostro Cassoviæ² IIII Calendas Maij. Anno à Natali Servatoris. M.D.XXIII." The work was published at Cracow in June of the same year. On the title page the poem is described as accompanied with "Scholiis non ineruditis Leonardi Coxi Britannii." All these references can hardly apply to a young man less than twenty-four years of age.

Cox is said to have been the second son of Lawrence Cox of the city of Monmouth in Monmouthshire by Elizabeth Willey his wife, and the grandson of John Cox.³ Of his education before entering college we know nothing beyond Bale's general statement that "from his very childhood he was well instructed in liberal studies," nor do we know the date of his entering or of his receiving his degree at Cambridge, where it is stated that he was educated.⁴ It is probable, however, that he graduated before 1518, for without a university training, even in those days of precocious learning, he could hardly have occupied the position we find him holding in Poland in 1518 and again in 1524, and have published such work as he then did.

In 1524 at any rate Cox was abroad again, as we have seen. There he remained at least until 1527, since in 1526 we find him publishing another work in Cracow,⁵ his *Methodus Studiorum Humaniorum*, and in 1527 Erasmus is writing to him about affairs in Hungary.⁶

¹ See entry of the title below, p. 18. There is a copy in the British Museum.

² I. e., doubtless Casehau, or Kaschan, in Upper Hungary.

³ Cooper, *Ath. Cantab.* I, 94; Chalmers, *Biog. Dict.*; *Dict. Natl. Biog.*

⁴ Cooper, loc. cit.

⁵ Panzer, *Annales Typographici*. See infra p. 18.

⁶ See below, p. 11.

It therefore seems improbable that the first edition of his *Rhetoric*, published without date, but assigned definitely to 1524 by many bibliographers, could have appeared in that year, written as it is from his school in Reading.¹ Probably, however, somewhere between 1527 and 1530 Cox returned to England and was appointed master of the school at Reading² by Hugh Faringdon, the Abbot of the place. He was certainly in this position before³ February 1530, when he supplicated for incorporation and for M. A. at Oxford, "as being schoolmaster at Redyng."⁴

Again, it is impossible to assume with Hallam⁵ that Cox's *Rhetoric* was written in 1524 and that his *Methodus Humaniorum Studiorum* in 1526 is a translation of the *Rhetoric* into Latin, for the simple reason that the *Rhetoric* is itself in greater part a translation from a well-known Latin original into English, as I shall later have occasion to show, and there could be no reason for making another version in Latin by translating back from the English.

In May 1527, Erasmus, whose name we find mentioned several times in the course of the following *Rhetoric*, wrote to Cox, who was probably still at Casehau, a letter which has been preserved among the Epistles of Erasmus (*Erasmi Epistolæ*, Lugduni Batavorum 1706, 982 C., Epistola DCCCLXVI). The following synopsis of the letter is given in Brewer:⁶

¹ See Cox's dedication to his *Rhetoric*, *infra* p. 39.

² John Man, *History and Antiquities of Reading* (Reading, 1816), p. 196, says John Long was master of this school from 1503 to 1530, and was "succeeded in 1530 by Leonard Cox A. M."

³ Not "soon afterwards," as is stated in the D. N. B. and other biographies.

⁴ In Boase, *Register of the University of Oxford* (Oxford, 1885), Vol. I, p. 159, the entry stands: "Cox, Leonard, B.A. of Cambridge sup. 19 Feb. 15²⁸ for incorporation and for M.A. and for disp. as being schoolmaster at Redyng." See also Cox's verses in Palsgrave's *L'Esclaircissement*, in 1530, *infra*, p. 20.

⁵ Hallam, *Literature of Europe*, Pt. I, ch. viii, at end. Followed by Jebb, article "Rhetoric" in *Encycl. Brit.*, 9th ed.

⁶ *Letters and Papers of the Reign of Henry VIII*, Vol. IV.

"Thanks him for his letters. Is sorry to hear of the ill-health of their friend Justus.¹ His *Copia* has been again edited six months ago. Gives an account of a [disputed] reading in Aulus Gellius, when, twenty years ago, he was engaged at Sienna in teaching Alexander, the archbishop of St. Andrews, brother of the present king of Scotland. Basle, 21 May, 1527."

In addition I find in the original letter the following passage, the precise bearing of which perhaps cannot now be explained, but which is interesting as throwing some light on Cox's ambitions and affiliations during his abode in Poland. The churchman referred to may possibly be the Justus already mentioned in the letter; while "Cassoviensis" evidently refers to the Cassovia or Casehau already mentioned as the seat of the school whence Cox dates the dedication to his Scholia on the *Venatio* of Adrian:

"Ecclesiastæ *Cassoviensis* animum satis admirari non possum; censeo fortunam amplectendam, vel ob id quo pluribus prodesse queas, vel ob hoc ne pessimo cuique sis contentui. Etsi qui dignitate præeminent non possunt omnia corrigere, quæ geri conspiciunt vel à populo, vel à Principibus, tamen non parum malorum possunt excludere. Si nos invisat, reperiet nihil aliud, quam pro thesauro carbones."

Cox apparently did not embrace the opportunity suggested, but soon after returned to England. Whether he made any other sojourn abroad is doubtful, and it is probably during these years that his reputation as a European scholar, testified to by Leland, Bale, and other and later biographers,² was established. Leland's verses are interesting, and taken in connection with Erasmus' letter, show us among other things the comparatively high regard in which Cox was held in his own day, and evince at least some sort of a connection with Melancthon:

Cox's Learning: Leland's Encomium.

¹ The Justus here referred to is probably Justus Jonas (1493-1555), Luther's coadjutor and a friend of Melancthon and Erasmus. See Letter of Erasmus to Jonas, June 1, 1519, in Erasmus' *Epistolæ*, lib. V, ep. 27. See art. on Justus in Herzog & Plitt's *Real-Encyclopædie für protestantische Theologie und Kirche*, Leipzig, 1880.

² E. g., Knight, *Life of Erasmus*, p. 229, tells of Cox's travels in France, Germany, Poland, and Hungary, and states that he "taught there the tongues, and became more eminent in Foreign Countries than at home."

Browne Willis, *View of the Mitred Abbeyes*, 1719 (Appendix II of Leland's *Collectanea*): "Cox was a man universally celebrated for his Learning and Eloquence. He is one of Leland's Worthies."

"AD LEONARDUM COXUM.

Inclyta Sarmaticæ Cracouia gloria gentis,
 Virtutes novit Coxe diserte tuas.
 Novit et eloquii phœnix utriusque Melanchthon,
 Quàm te Phœbus amet, Pieriúsque chorus.
 Praga tuas cecinit, cecinitque Lutetia laudes,
 Urbs erga doctos officiosa viros.
 Talia cum constant, genetrix tua propria debet
 Anglia te simili concelebrare modo.
 Et faciet, nam me cantantem nuper adorta
 Hoc ipsum jussit significare tibi."¹

In or about 1530, then, Cox was appointed master of the grammar school of Reading, Berks, under the patronage of the Abbot Hugh Faringdon, a man of some prominence in the political and religious affairs of the day. And soon afterwards Cox was incorporated at Oxford, receiving his B.A. degree there Feb. 19, 1530 N.S. Cox appears to have remained at Reading as schoolmaster, with occasional journeys elsewhere connected with other matters, from 1530 to 1541.

In or about 1530 also I date conjecturally the first edition of Cox's *Rhetoric*, for the reasons given above. The second edition appeared in 1532, with a few slight changes, to be noted further on.

In 1530 appeared John Palsgrave's "L'Esclaircissement de la Langue Francoyse," in which occur two sets of prefatory Latin verses written by Cox,² the first being headed "LEONARDI COXI Readingiensis ludi moderatoris, ad Gallicæ linguæ studiosos, Carmen," while the second are complimentary verses "Eiusdem Coxii ad eruditum virum GEFRIDUM TROY de Burges Gallum."

In 1532 we hear of Cox again at Reading. About the middle of this year John Frith the martyr, venturing back to England after his long exile abroad, visited Reading, where on his arrival he was set in the stocks. "Cox," says Wood, "who soon discovered his merit by his conversation, relieved his wants, and out of regard to his learning

**Cox Aids the
Protestant
Frith.**

¹ "Principum, ac illustrium aliquot, & eruditorum in Anglia virorum Encomia, Trophæa, Genethliaca, et Epithalamia. A Joanne Lelando Antiquario conscripta, nunc primum in lucem edita." London 1589. Page 50. "Lutetia" of course is Paris.

² Cited *infra*, p. 20

procured his release,"¹ — a deed worthy of a Humanist and friend of Erasmus!

In 1534 we get a glimpse of Cox's occupations and ambitions in a letter of his dated from Reading, 13 May [1534], and addressed to "the Goodeman Toy, at the Signe of Saint Nicholas in Powles Churchyarde."² It is to be found among the Letters and Papers of the Reign of Henry VIII in the Record Office, Vol. VII, No. 659:

**Letter to Toy
the Printer.**

"Goode man Toy: I hartely commend me to you and to *your* good-wife and here I have sent you the paraphrase of Erasmus *with* the *epistle* of saint Poule to Titus, and my *preface* made, as you can bere me recorde, but sodaynly. Wherfor it cannott be but easy. Neuertheles I wyll desyer you to show it vnto the right wurshipfull Master³ Cromwell, and in any wise to know his pleasure whether it shall abrode or not. If his mastershipp think it meate to be prentid,⁴ I shall, if it so pleas him, either *translate* the work that Erasmus made of the maner of *prayer* or his paraphrase vpon the first and seconde *epistle* to Timothe or els such works as shall pleas his mastershipp, and dedicate also any suche labours to him. But if this that I have done shall nott pleas his mastershipp, my trust is yet that he wyll take no displeasure *with* me, seing I did it for a goode entent as the *preface* to the redar declareth; and agayne I wold not have it abrode *with* out his pleasure afore knowen. I am also a translating of a boke *which* Erasmus made of the bringing upp of children, which I entend to dedicate to the saide Master Cromwell, and that shortly after Whitsontide.⁵ Moreover it is shewid me that his mastershipp is recorder of bristow [Bristol], wherfor if I may know by *your letters* that he is *content with* my doings, I entend to write to him to besech him to be my goode master for the obteynnyng of the fre schole there; for though I

¹ Cf. Wood's *Athen. Oxon.* ed. Bliss I, 74; Cooper, *Athen. Cantab.* I, 47; Foxe, *Actes, etc.*; *Dict. Natl. Biog.*; etc.

² A synopsis is given in Gairdner, *Letters and Papers of the Reign of Henry VIII* (London, 1883), Vol. VII, No. 659.

³ I. e., written before Cromwell had been created a baron in 1536.

⁴ Not printed apparently until 1549, long after Cromwell's death. See, *infra*, p. 21.

⁵ If this translation were ever completed it was never printed. The subject is one with which the age was greatly occupied. See Elyot's "The Governor." See also "A Lytell Booke of good Maners for Chyldren by Erasmus Roterodam, with Interpretacion of the same into the vulgare Englysshe Tonge, by Robert Whytyn-ton, Laureate Poete" (London, W. de Worde, 1522).

have many goode masters in the cawse, yet I had *leuer* have his *favour* then all the oothers.

Ye, and it so pleasid his mastershipp, I wold be right glad to bere the name of his servant, and so, if you have oportunitie, I *pray* you shewe him, and send me worde what answere you have. *ffare* you well. *from* Reding the xiiijth day of maii.

Your own
leonard Cox.

The Goodman Toy to whom this letter was written was the printer John Toy, who issued in 1531 a *Gradus Comparationum cum verbis anomalis simul cum eorum compositis*,—"Imprinted at London, in Poules chyrche yard, at the sygne of saynte Nycolas, by me John Toye."¹ Wolsey's fall occured in 1529 and by 1533 Cromwell's position and power were well established. Cox is turning to the rising sun.

We do not hear of Cox again till 1540, when
Letter to Cromwell. we find him writing directly to his patron Cromwell as follows:

Pleas your good Lordeshippe. Whereas I your poore bounden servant and dayly bedeman have often tymes considered your speciall goode *favour* towarde me in tymes past when I was wayting in the courte on Sir Iohn Walloppe,² whiche it afterwarde pleasid you to renew of your singular goodnes when I was last in your Lordeshippes presence att Thorneburie,³—I have ben at all tymes greatly ashamed of my self that I had nothing whereby I myght declare again to your goode Lordeshippe my faithfull harte and serviceable mynde for your so great beneuolence. Where vppon I have at the last drawn a comment vppon a boke made some tyme by *master* lillie & correctid by Erasmus, whiche work of grammer is moche set by in all scholes bothe on this side the sea &

¹ Herbert's Ames, I, 482.

² English ambassador at Paris in 1533 and later. Soon after Wolsey's death a violent quarrel occurred between Cromwell and Sir John Wallop. (Cf. Jas. Gairdner, art. "Cromwell" in *Dict. Natl. Biog.*). The "tymes past" alluded to were probably subsequent to this event. Cox, who was a good linguist, knew French, and had probably lectured in Paris, may have attended Sir John in one of his embassies. At any rate we learn from this that Cox had been at court.

³ In Gloucestershire, no great distance from Caerleon and Monmouth, two other places associated with Cox, and easily visited by one traveling from Reading. So Reading itself would be naturally visited by one passing from Caerleon or Thornbury to London.

beyonde.¹ This comment of myne made vpon the saide boke, I have here sent and dedicatid to you my speciall goode Lorde, as parte of witnes of my faithfull service owid to you for *your* singulare goodnes to me your poore bedeman. And thowghe my saide diligence be fer beneth my dutie to *your* so singular beneuolence, yet I moste humbly beseche your moste goode Lordeshippe to accept it. And I shall, God willing, or long dedicate to you better things. Our lorde *preserve your* estate *with* all prosperite and encrease of honore,

Your goode Lordeshippes

bounden servant & bedeman

Leonard Cox

Endorsed: "To the right honorable and my speciall goode lorde the lorde prevy seale."²

The second letter is as follows:

My singulare goode Lorde: pleas your goode Lordeshippe to vnderstonde that a lytle afore Whitsontide I receyvid a letter from M. Berthlet prenter to the Kings moste honorable highnes, wherin he certified me of *your* lordshippes goodnes towarde me as well in accepting my poore boke³ as in admitting me into *your* service, and of a ferther *promes* of your speciall beneuolence; ffor the whiche I am moste bounden of all men nott onely to employ my self *with* all trewe diligence to do *your* Lordshippe the best service that I can, but also to be *your* dayly bedeman during my life. I beseche your good Lordeshippe to pardon me that I have not or this tyme, as my dutie is, geuen attendaunce on *your* Lordshippe. But I trust or Michaelmas to bring *with* me to you a ferre better worke than that *which* I have dedicate to yowe all redy, & that vpon rhetorik, *which* I entende to entitle *Erotemata rhetorica*. I knowe right well the feblenes of my witte is suche that in oother things I can do *your* lordeshippe but small service or none; yet in this I trust so to serve you that the worlde shall alwaies be myndefull of *your* singulare beneficence, not to me onely, but to all that be studious of goode lernyng. Wherin I will neither spare busy studie & labour, nor coste on books. And ons *euery* yeare I intend during my life, by Goddes

¹ Published 1540. See list of Cox's works, *infra*, p. 21.

² This letter, of which he gives a synopsis, is dated April 1540 by Gairdner in his edition of *Letters and Papers of the Reign of Henry VIII* (London, 1896), Vol. XV, No. 614; see also No. 706. Cromwell was made Lord Privy Seal 2 July 1536, and was executed on 28 July 1540. It was evidently written before Whitsuntide: see next letter.

³ I. e. The Latin Commentaries on Lilly, printed by Berthelet in 1540 (see Herberts' Ames I, 438), and spoken of in the preceding letter.

grace to set abrode one thing or oother to the perpetuall praise of *your* Lordeshippes most excellent vertues, & the commune proufite of students. Thus *with* all humilite I for this *present* tyme take my leue, beseching the blessid Trinitie long to *preserve your* goode Lordeshippe *with* continuall encrease of most *prosperous* honour.

Written at Caerleon in Wales on Trinite sonday¹

Your goode Lordeshippes

poor servante & bounden bedeman

Leonard Cox.

Endorsed: "To the right honorable and my singular goode Lorde the lorde prevy seale."

The *Erotemata Rhetorica* unfortunately we do not possess. It is likely enough that the confusion and change of fortune intervening on the tragic ending of his patron so soon after writing these letters prevented Cox from going on with his plan.

This last letter, it will be noticed, is dated from Caerleon, in Wales. Whether Cox, whose birthplace was in Wales, was there simply on a visit, or whether he had gone to reside **At Caerleon.** there, perhaps after the equally tragic death of his old patron, the Abbot of Reading,² in 1539, and was teaching school there, as Wood³ conjectures, is uncertain.⁴

It is, however, certain, whether in the meanwhile he had left Reading or not, that on Feb. 10, 1541, a royal patent⁵ was issued **Royal Grant** granting and confirming to Cox the office of master **to Cox at** of the grammar-school at Reading—"Dedimus et **Reading.** Concedimus," as the document runs, "ac per Præsentis Datus & Concedimus eidem *Leonardo* Officium *Magistri sive Præceptoris Scholæ Grammaticalis sive Ludi literarii Villæ nostræ de Reading in Comitatu nostro Berks.*" The patent then proceeds also to grant to Cox the messuage which he was then occupying, together with a plot of ground adjoining "ex parte

¹I. e. 23 May, 1540.

²See *infra*, p. 104, note to p. 1, line 3.

³*Athen. Oxon.* ed. Bliss, I, 123: "In the year 1540 (32 Hen. 8) I find that he was living at Caerleon in his native country, where I think he taught school."

⁴Note however the terms of the patent rehearsed below, by which it appears that Cox was still technically occupying a messuage pertinent to the school at Reading at the time of the issuing of the patent in 1541.

⁵Given in full in Rymer's *Fœdera* (London, 1712), Vol. XIV. p. 714.

Australi, . . . ac etiam quoddam aliud Mesuagium sive Domum in Reading prædicta, modo in Tenura & Occupatione prædicti *Leonardi* vocata *A Schole-house*, in quo Pueri modo erudiuntur & docentur in Arte & Scientia prædictis." It is also provided that Cox during his lifetime may hold the grant by deputy. In addition he is to receive "quandam Annuitatem, sive Annualet Redditem *Decem Librarum* . . . de Exitibus, Proficuis, Firmis & Reventionibus Manerii nostri de Cholsey in dicto Comitatu nostro Berks." The manor of Cholsey, from which Cox was to receive his annual stipend of ten pounds, belonged to the lately dissolved monastery of Reading.

Of Cox's later years we know very little. Bale, in his brief account of Cox, mentions vaguely only one date. "Claruit," he

writes, "anno Domini 1540."¹ Tanner,² giving Bale

Later Years. as his authority for the first date, says: "Claruit

grandævus A. MDXL . . . vel A. MDXLIX. Vid. Præfat.

Paraphr. ad Titum." Tanner thinks that perhaps Cox was master

of the grammar-school founded at Coventry by his friend John

Hales, to whom he dedicates the translation of the Paraphrase just

referred to. Colville³ and Cooper⁴ both positively assert that he

became master there in 1572. Cooper adds that "if he held that

appointment till his death, he must have died in 1599, when John

Tovey succeeded to the mastership." At this last date Cox would

have been probably over a hundred, and on his appointment at

¹ Bale, *Scriptorum Illustrum maioris Brytanniae Catalogus*, Basle, 1557, p. 713 (Centuria nona, no. xxxi).—The whole of Bale's account of Cox, as that of a contemporary, is interesting, and, as it is short, may be quoted here: "Leonardus Coxus, ab ipsa pueritia, liberalibus disciplinis bene institutus, rhetor, poeta, ac theologus, piusque divini verbi demum concionator, transtulit è Graeco in Latinum venerabilis antiquitatis scriptorem, Marcum Eremitam de lege et spiritu, lib. I. Transtulit in patrium sermonem Paraphrasim Erasmi in Paulum ad Titum, lib. I. Incip. Postquam regia majestas per. Scripsit contra eos qui ab operibus justificant, lib. I. Scripsit et scholia in G. Liliū, de Octo partium constructione, lib. I; ac diversi generis carmina et epistolas, lib. I. Claruit anno Domini 1540."

² *Bibliotheca Britanno-Hibernica* (Lond. 1748), p. 205. I regret that I have been unable to verify the reference to the Preface to the Paraphrase of the Epistle to Titus.

³ Colville, *Worthies of Warwickshire*, p. 883,

⁴ Cooper, *Athenæ Cantab.*; also in *Dict. Natl. Biog.*

Coventry over seventy! If the name of Leonard Cox appears in the list of the masters of the Coventry school, the conjecture may be hazarded that this was perhaps a son of our Leonard Cox bearing the same name. At all events it is evident that Cox lived on into the reign of Edward VI, under whom it is stated¹ that he was one of the licensed preachers. He left a son Francis,² who became a D.D. of New College, Oxford, in 1594; and according to Knight³ another son, William, who was more likely, as others state, a grandson. Cox's name since his death has been known to few except professed antiquarians.

II. LIST OF WORKS BY COX.

(Works about the existence of which there is considerable doubt are enclosed in brackets.)

1. Coxus, L. De laudibus Cracoviensis Academiæ 8 Idus Decembris habita oratio a 1518. Cracoviæ, 4°, Vietor: Copy in the Czartoryskische Museum in Cracow.

2. Adriani Cardinalis Venatio, una cum Scholiis non ineruditis Leonardi Coxi Britannii. [Colophon:] Cracoviæ, in ædibus Hieronymi Vietoris Typographi diligentissimi. Mense Iunio. An. D. M.XXIII [sic].

There is a copy in the British Museum and one also in the National Library at Paris. In the Dedication Cox discusses the Latinity of his author, the value of the book for reading in schools, and how it has helped to repel barbarous Latinity and to lead the way back to Cicero. There is a word in praise of Politian, who, it will be noticed, is cited also in the *Rhetoric*. Cox's text is merely a scholastic commentary, line by line, on Adrian's verses. At H iij recto there is a mention of Erasmus.

3. (a) Leonardi Coxi Methodus humaniorum studiorum. Cracoviæ in ædibus Hieronymi Vietoris, ipsis Calendis Augusti Anno M.D.XXVI.

(b) Also in the same year a second edition with the same title, but the following imprint: Cracoviæ in officina typographica Matthiæ Scharffenberg. Anno M.D.XXVI.

From Panzer, *Annales Typographici* (Norimbergæ 1798) Vol. VI, pp. 468-9. It will be noticed that the first edition is from the same printer as No. 1. I have been unable to discover a copy of either edition.

¹ Tanner; Chalmers; etc. ² Cooper; Wood; etc. ³ *Life of Erasmus*.

4. De erudienda iuventute ad P. Tomicium. Cracoviæ, 1526, Vietor.

5. (a) The Arte / or Crafte of / Rhetho/ryke/. [n. d.] [Colophon:] Imprinted at London in Flete strete / by me Robert Redman / dwelling at the sygne of the George / Cum priuilegio/

(b) The Arte / or Crafte of / Rheto/ryke./ [within a rude ornamental border]. [Colophon:] Imprinted at London in Fletestrete by saynt Dunstones chyrche /, at the sygne of the George / by me Robert Redman, The yere of our lorde god a thousande / fyue hundred and two and thyrty /. Cum priuilegio.

The Dedication in both editions is addressed to Hugh Faryngton, Abbot of Redynge, by Cox—"Leonarde Cox" in (a) and "Leon.rde Cockes" in (b). Both are printed in "eights" in very small 8vo size (16mo). In (a) the signatures run from A i to F iiiii, a total of eighty-eight pages, about thirty lines to the page; in (b) to F viii or ninety-six pages (ninety-one pages of text), about twenty-nine lines to the page. Both are in black letter of apparently the same font.

For reasons given above (p. 10) I date (a) conjecturally circa 1530. It is not impossible, however, that (b) was the first edition, although it is highly improbable (see notes infra p. 103). Considering the close similarity of the two in typographical appearance it is not likely that they were separated in date more than two or three years. (a) is the basis of the present reprint, although all the more important variations in (b) have been noted. There is a copy of (a) in the British Museum, and of (b) in the Bodleian Library at Oxford. Mr. A. W. Pollard of the British Museum conjectures from its appearance that (a) was printed circa 1530; Mr. R. Proctor puts it circa 1535. In the British Museum catalogue and by most bibliographers it is put in 1524. Redman, the printer of this work, began business in 1525 and died in 1540. Herbert, however, says in a note: "Mr. Ames was informed that he [Redman] began printing in the year 1523; but he had not seen any proof of it before 1525; neither have I" (Herbert's Ames' *Typographical Antiquities*, London, 1785, Vol. I, p. 385).

This is the work mentioned by Tanner in his list of Cox's works as "De rhetorica anglie. Hollinsb. iii 978. Librum aliquem dedic. Hugoni abbati Readingiensi." Hollinshed, in the passage referred to, merely mentions Cox as the author of a Rhetoric in English not mentioned by Bale.

6. Latin Verses appearing on the verso of the title-page of John Palsgrave's *L'Esclaircissement de la Langue Francoyse*, 1530; folio. As follows:

LEONARDI COXI Readingiensis ludi moderatoris, Ad Gallicæ linguæ studiosos, Carmen.

Gallica quisquis amas, exacte verba sonare,
 Et pariter certis jungere dicta modis,
 Nulla sit in toto menda ut sermone reperta,
 Pro vero Gallo, quin facile ipse probes,
 Hæc euolue mei Palgrau scripta diserti,
 His linguam normis usque polire stude.
 Sic te miretur laudet^{que} urbs docta loquentem
 Lutecia, indigenam iuret et esse suum.

EIUSDEM COXI ad eruditum uirum GEFRIDUM TROY de Burges Gallum, Campi Floridi authorem, quem ille sua lingua Champ Fleury vocat, nomine omnium Anglorum Phaleutium [sic].

Campo quod toties Gefride docte
 In florente tuo cupisti, habemus.
 Nam sub legibus hic bene approbatis
 Sermo Gallicus ecce perdocetur.
 Non rem grammaticam Palæmon ante
 Tractarat melius suis latinis,
 Quotquot floruerantue posterorum,
 Nec Græcis melius putato Gazam,
 Instruxisse suos libris politis,
 Seu quotquot prætio prius fuere,
 Quam nunc Gallica iste noster tradit.
 Est doctus, facilis, brevis^{que} quantum
 Res permittit, et inde nos ouamus,
 Campo quod toties GEFRIDE docte
 In florente tuo cupisti, habentes.

These doubtless, and perhaps others, are to be included in the "diversi generis carmina et epistolas, lib. I," written by Cox, according to Bale, and described by Tanner in the following terms: "*Epigrammata varia et epistolas*. Duo ejus carmina (1) *Ad linguæ Gallicæ studiosos*; (2) *Ad Galfr. Troy auctorem Gallicum*, præfiguntur *Lexico* Joh. Palsgrave, Lond., 1530, fol."

The Geoffrey Troy addressed is alluded to by Palsgrave in the "Epistle" as "Geffrey Troy de Bourges (a late writer of the frenche nation) in his boke intituled Champ Fleury." Troy, or Tory (Lat. Torinus), was a celebrated printer, engraver, scholar, and author of the time. See, *e. g.*,

the "Sommaire de Chroniques . . . translate de Latine en Langaige François, par Maistre Geofroy Tory de Bourges," 1529. He was born at Bourges c. 1485, and died 1533 at Paris. Palsgrave's phrase, above, probably does not mean to refer to him as dead, but as having lately written books. "Son œuvre capitale est un ouvrage qu'il composa et publia sous le titre de *Champ fleury, auquel est contenu art et science de la due et vraye proportion des lettres attiques, qu'on dit autrement lettres antiques, et vulgairement lettres romaines, proportionnées selon le corps et le visage humain* (Paris, 1529) . . . où il jette les bases d'une nouvelle grammaire française." (Larousse, *Grand Dictionnaire Universel*, XV, 325.)

7. Translation of Erasmus' Paraphrase of the Epistle of Paul to Titus, with a Preface. Made in 1534 (see supra p. 13), but apparently not printed till 1549, in "The Paraphrase of Erasmus vpon the newe Testamente," London, Edw. Whytchurch, 1548-9, two vols., folio; in Vol. II.

Cf. Lowndes, *Bibliog. Man*, 748. Described by Tanner as follows: E Latino in Anglicum sermonem *Paraphrasim Erasmi in Paulum ad Titum* lib. I. Pr. ded. mag. Johanni Hales. "After that the kinges maiestye." London, 1549, ubi se alia industriæ monumenta brevi missurum promittit.

[8. Translation of "a boke which Erasmus made of the bringing upp of children": in 1534. See supra p. 13. Probably not printed.]

9. Commentaries upon Lilly. "De octo orationis partium constructione Libellus, editus a Guil. Lilio, emendatus ab Erasmo Roter: & scholiis, non solum Henrici Primæi, verum etiam doctissimis Leonar: Coxi illustratus. Anno M.D.XL." [Colophon:] Ex officina regii Impressoris. Cum privilegio solum. Anno M.D.XL.—Quarto.

From Herbert's Ames' *Typographical Antiquities* (London 1785) vol. I, p. 438, among works printed by Thos. Berthelet. Cf. Wood, *Athen. Oxon.* I, 123. Many other editions of this work of Lilly's appeared during the sixteenth century, but none other, I believe, with Cox's Scholia. A copy is said by Herbert to have been "in the collection of Dr. Lort." I have not been able to find one. Referred to in Cox's letters above, pp. 14.

[10. *Erotemata rhetorica*.—Probably not printed, but evidently nearly completed in May 1540. See supra, p. 15.]

[11. (a) The Translation, described by Bale, "é Græco in Latinum venerabilis antiquitatis scriptorem, Marcum Eremitam de lege et spiritu, lib. I."

(b) To which Tanner adds "Ejusdem de justificatione operum."]

(b) is perhaps the same work referred to by Tanner when he says that Cox —

[12. "Scripsit Contra justificationem ab operibus lib I." And by Bale: "Scripsit contra eos, qui ab operibus justificant. lib. I."]
So far as I can discover none of these last mentioned works were ever printed.

III. THE RHETORIC OF COX: ITS PREDECESSORS AND SUCCESSORS.

The work of Cox and his chief service to his age was that of a translator and commentator, a sort of work much more important in that century than in this. Cox, like Colet, Grocyn, **Cox's Services to Learning.** Linacre, and Lilly, served as an intermediary in the transmission to England of the Renaissance and Humanistic influence and literature. He had a reputation of his own among European scholars and men of the new learning, and he helped to carry their work into England. And so the questions of rhetoric and of literary form which deeply concerned all the men of the new learning came to concern Cox also, and to their elucidation, as is evident from the foregoing inspection of his letters and of the list of his writings, he devoted a large share of his attention.

The rhetorics of the Renaissance are mainly founded upon Hermogenes, Cicero,¹ and Quintilian, and, following the divisions of these authors, are chiefly of two sorts, those that concern themselves with questions of invention and disposition, and those that mainly discuss matters of style and diction.² Cox, whose work falls in the first class,

Renaissance Rhetoric.

¹Especially Cicero. See Voigt, *Die Wiederbelebung des classischen Alterthums, oder das erste Jahrhundert des Humanismus*, Berlin, 1893, vol. II, p. 442: "Die Lehrbücher über Rhetorik bilden nicht gerade eine reiche Literatur, weil die Humanisten sich gern unmittelbar an Cicero zu halten liebten. Dessen 'alte Rhetorik,' dass heist die Bücher de inventione, und die an Herennius gerichtete Rhetorik waren im Mittelalter immer beachtet und gelesen worden, wie ja schon Alcuin sein Lehrbuch nach ihnen verfasste . . . auch hören wir von den Humanisten oft die Meinung, man lerne die Redekunst besser aus Cicero's Reden als aus seinen Theorien." Notice in this connection that the last five or six pages of Cox's *Rhetoric* are directly founded on Cicero, while Cox's original, Melanchthon, constantly draws upon Cicero. It is a striking feature in Cox's work also, wherein he departs from Melanchthon, that at every opportunity he introduces and translates long extracts from Cicero's orations.

²On the emphasis laid on style in the rhetoric of the Italian Renaissance cf. Symonds, *Ren. in Italy, The Revival of Learning* (N. Y., 1888) p. 525.

refers his readers who may wish to carry their studies further, to "Hermogenes among the Grekes, or els Tully or Trapesonce among the Latines."¹ The Trapesonce or Trapezuntius referred to was a typical rhetorician of the Renaissance period. Born in Crete in 1396, he taught Greek at Venice, and philosophy and belles-lettres at Rome. On account of an attack of his on Quintilian he was involved in various literary quarrels with Valla, Poggio, and other scholars. He made numerous translations from the Greek into Latin. He died at Rome in 1486. His *Rhetoric*, the first edition of which appeared at Venice circa 1470, is a paraphrase from Hermogenes. His work, transmitting that of his original, was widely circulated and exercised a great influence throughout Europe during the succeeding century. His divisions and order of treatment in a general way are those of Cox and of course of Cox's original, Melanchthon. Orations are of three sorts: Judicial, referring to the Past, Deliberative, to the Future, and Demonstrative, to the Present. The chief parts of an Oration are the Exordium, Narratio, and Contentio, whereunder are discussed Confirmatio and Confutatio, "Quot sint Status" (the "States" of Cox), and de Propositione et Divisione. In the last Book (Book V) is comprehended a discussion "de Elocutione," wherein the different qualities and kinds of style are considered, a part included by Melanchthon but omitted by Cox for reasons hinted at in his Dedicatory Epistle.² As in Cox's *Rhetoric*

¹ See the "Conclusion" of Cox's *Rhetoric*, *infra*, p. 88.

² Other rhetorical treatises much in vogue, but not leading directly to Cox which may be mentioned, are:

(a) Priscianus Grammaticus, *De praeexercitamentis Rhetoricæ ex Hermogene translatis* (circa 1475).—A short elementary handbook treating of various topics such as "De Narratione," "De Usu," "De Refutatione," "De Descriptione," etc.

(b) Gulielmus Fichetus, *Rhetorica* (Paris 1471).—By a famous doctor of the Sorbonne. Cites frequently Cicero, Quintilian, Origen, etc. Follows the division of Judicial, Deliberative, and Demonstrative, with the subdivisions of Trapezuntius. In manner largely scholastic, putting emphasis mainly upon definitions. Book III, "de Elocutione."

(c) Guillelmi Tardivi [Guillaume Tardif] *Rhetorica Artis ac Oratoria Facultatis Compendium* (Paris, circa 1475).—An attempt to present a digest of the Rhetorics of Cicero and Quintilian. The Divisions: Inventio, Dispositio, Elocutio, Memoria, Pronunciatio.

(d) *Oratoria Artis Epitoma* Jacobi Publicii Florentini. Venetiis 1485.—Refers to Cicero, Quintilian, Cyril, etc., as authorities. "Civilium questionum genera tria sunt. Concionalis: Sermocinatio: & Forensis." Treats briefly of Invention,

so in most of his predecessors we frequently find appeal made not only to direct classical authority, but occasionally also to mediæval authority, and to that of the fathers of the Church, especially the Greek fathers, as Origen, Basil, and Chrysostom.

Most interesting for the history of English Rhetoric, however, is the first Rhetoric printed in England, which was also "the first book First Rhetoric printed at St. Albans," the Latin treatise of Traversarius entitled [incipit] *Fratri laurencii guilelmi de in England. saona . . . prohemium in novam rhetoricam*. The colophon is: *Compilatum autem fuit hoc opus in alma universitate Cantabrigiæ. Anno domini 1478 . . . sub protectione . . . Regis Anglorum Eduardi quarti. Impressum fuit hoc presens opus Rhetoricæ facultatis apud villam sancti Albani. Anno domini M.CCCC.LXXX.* The work follows in general the divisions of the ancient rhetorics (especially Cicero.—Cf. *D* ii recto.),

Disposition, and their parts and loci; then at length of Elocutio, and of Tropes and Figures.

(e) *De primis apud rhetorem exercitationibus præceptiones* P. Mosellani in studiorum usum comparatæ. Cologne 1523.—A book of rhetorical exercises in each kind, with models, for the use of schools. De Fabula (model: the Fable of the Grasshopper and the Ant), De Narratione (An example from Aulus Gellius), De Refutatione, De Confirmatione, De Laudatione, De Vituperatione, De Locis Communibus, etc. The plan is similar to that of Rainolde's *Foundacion of Rhetoric* (see infra p. 33).

(f) See also the Rhetorics of Melanchthon, discussed infra, pp. 29–31.

—Rhetorics of the second class, dealing chiefly with matters of style and diction ("Elocutio") were:

(g) [Incipit] "*Summa Rhetoricæ condita per egregium P. de la Hazardiere nationis normaniæ*" (Paris circa 1475).—"Rhetorica est ars arcium ceterarum expositiva. Cujus officium est apposite dicere ad suadendum." Cites Cicero, Quintilian, and Aristotle. Treats only of Elocutio and its three parts, *elegantia*, *compositio*, and *dignitas*.

(h) Joannes Balbus, *Catholicon*. Venetiis 1506.—A monkish compendium widely used. The Grammar, part IV, treats of figures and tropes.

(i) Barzizius, *De Eloquentia*. Colophon: *Explicit opusculum domini Gasparini [Barzizii] Pergamensis de Eloquentia congrue dictum. Circa 1498.*

(j) *Le grant et vray art de pleine Rhetorique*, composé par maistre Pierre Fabri. Rouen 1521.—Book I, a Rhetoric of Prose for those who wish to learn how to compose "Descriptions . . . Oraisons, Lettres . . . Sermons, Recitz," etc. Book II, of Poetics. Compare with Puttenham's *Arte of English Poesie*, 1589.

(k) *De Elocutionis Imitatione*. Autore Jacobo Omphalio. Paris 1537.—The rhetoric of style. With exercises.

(l) Andomari Talaxæi *Rhetorica*. Paris 1552 (fifth ed.)—Widely used.

and draws its examples both from Cicero and from the Bible. It is scholastic in tone, with frequent reference to the fathers of the Church, as St. Bernard, St. Anselm, St. Basil, Bede, etc. Book I discusses "quid sit oratoris: quid oratoris officium: quis ejus finis & de partibus ejus & oracionis." In the third Book style and diction, including tropes and figures, are treated. In this work, however, notwithstanding certain signs of the approaching dawning of the new learning, we are still in the atmosphere of the Middle Ages. With Cox fifty years later, in spite of the rudeness of the new vernacular in which he is working and the elementary nature of his design, we feel ourselves in a new age.

Between Traversanus and Cox there are two passages in English literature relating to the art of rhetoric which are significant.

Other Passages on Rhetoric preceding Cox. The former of these, which is perhaps the first printed account of rhetoric in English, is the short passage on the subject in Caxton's *Myrrour & dyscrepcon of the worlde, with many meruaylles of the .vii. sciences As Gramayre, Rethorike, with the arte of memorye*, etc., 1481, which is of sufficient curious interest to reproduce here in its entirety.¹

Entered for publication in England, the Stationer's Register, Nov. 11, 1577 (ed. Arber, II, 319). "Rhetorica est doctrina bene dicendi . . . Partes ejus duæ sunt, Elocutio & Pronuntiatio." The author claims that "inventio rerum et dispositio" are properly a part of Dialectics. *Treats only of Style and Elocution: chiefly of Tropes and Figures.*

—Other treatises of a miscellaneous character relating to rhetoric are:

(m) *Ars scribendi epistolas* Jacobi Publicii Florentini. *Ars Memoriae* J. P. F. With his *Oratoriae Epitoma* 1485.

(n) Albertanus, *Compendiosus tractatus de arte loquendi & tacendi*, 1485. — A manual of the art of conversation. Moralistic.

(o) *Rhetorica* Poncii. Colophon: Explicit Modus Dictandi Magistri Poncii . . . 1486. — Mainly an art of writing "Epistolæ." "Partes dictaminis essentialis: Salutatio, Exordium, Narratio, Petitio, & Conclusio."

(p) Erasmus, *De Copia verborum*. Basle 1514. Epistle dedicatory (to Colet) dated "London 1512." Of vocabulary and diction. What authors help to "Copia." Vices of excessive "Copia." Poetic vocabulary, metaphor, synonyms, etc. Of Fable, Apologue, Description, Imagery, etc.

(q) Aquilæ Romani *de Figuris sententiarum et elocutionis liber*. Venice 1523. — A list of the figures of rhetoric with definitions.

(r) Jacobus Omphalius *De Elocutionis Imitatione ac Apparatu*. Paris 1537. — Treats of Imitation as a means of acquiring style.

¹The work is a translation by Caxton of the French version of the *Speculum Mundi*. Blades' Caxton, II, 82-3. I quote from the reprint of circa 1527.

[D iii recto] Rethoryke is a science to cause another man by speche or by wrytyng to beleue or to do that thyng whyche thou woldest haue hym for to do. To the which thou must fyrst deuise some way to make thy hearers glad & wel wylling to here. The which thyng to bringe to passe thou must deuise dyuers ways. The fyrst is that thou promyse hym some meruelous thyng, or some other strange thyng, or some thyng touchyng hym self or some thynges touchyng his fryndes or his enemyes.

¶ Also whan thou haste made hym gladde to here the, thou must take hede that in the matter which thou shewest thou must vse .V. maner thynges. The fyrst is: *inuencion*, as to ymagyn the mater which thou intendest to shew, which must be of trew thynges, or lyke to be trew & to note well how many thynges in that mater ought to be spoken.

¶ The .ii. thyng is *disposicion*, which is to shew euery thyng of thy matter in ordre, as whan thou haste inuentyd & appoynted in thy mynd how many thynges thou wylte speke of, than thou must dyspose euery thyng in ordre & which mater shalbe fyrst spoken & whiche shalbe last.

¶ The third thing is *eloquens*, as whan thou haste disposed how euery poynt & mater shalbe shewed in ordre than thou must vtter it with fayre eloquent wordes, and not to vse many curyous termes, for superfluyte in euery thyng is to be dysprayed; And it hyndreth the sentence. And whan a man delatith his matter to long or that he vtter the effecte of his sentence, though it be neuer so well vtteryd, it shalbe tedyous vnto the hearers; for euery man naturally that hereth a nother, desyreth moste to know the effecte of his reason that tellyth the tale, as the philosopher seith (*omnis homo naturaliter scire desiderat*). Therfor the pryncypall poynt of eloquens reityth [retyth] euer in the quicke sentence. And therfor the lest poynt belongyng to Rethorike is to take hede that the tale be quicke & sententious.

A passage on "Ars memoratiua, Or Memory" and one on voice and gesture follow.

Equally curious are the chapters in Hawes' *Pastime of Pleasure* (chs. 7-13)¹ in which we are told how Graunde Amoure "was receyved of Rethoryke, and what rethoryke is; Of the first

Hawes. part, called *Inuencion*, and a commendacion of poetes; Of *Disposition*, the .ii. part of rethorike; Of *Elocution*, the thirde part of rethoryke, with colouryng of sentences; Of *Pronunciation*, the .iiii. part of rethoryke: of *Memory*, the .v. part of rethorike," and

¹ Written about 1506, and printed 1517. See reprint of edition of 1555 in the Percy Society Publications, 1845.

the like.¹ No one can complain of the importance attributed to the art of rhetoric in Hawes' allegorical system.

Cox's aim in presenting an Art or Craft of Rhetoric to the English public of his day was a simple and practical one. Education **Aim and Plan** was spreading; new grammar schools were being **of Cox's** founded; in much of the work of teaching in these **Rhetoric.** schools the vernacular necessarily was used; the new learning brought with it a new sense of style and form in prose; and there were no text-books of the subject in existence written in English. Lawyers, ambassadors, preachers, and all public speakers, says Cox in his interesting preface, have need of rhetoric, yet nothing today is less taught. What wretched work do we daily see around us for lack of such teaching! So that when we hear a speaker, very often "greate tediousnes is engendred to the multytude beyng present, by occasyon where of the speker is many times or he haue endyd his tale eyther lefte almost alone to hys no lytle confusyon, or els, which is a lyke rebuke to hym, the audyence falleth for werynes of his ineloquent langage on slepe." Furthermore, Cox aims especially to help those who "haue by neclygence or els false parsuasions be put to the lernynge of other scyences or euer they haue attayned any meane knowledge of the latyne tongue." For, of course, not only is Latin the accepted central discipline in the Humanistic theory of education, but it is the store-house of all existing learning. The book is intended for "young beginners";² others, who can read Latin or Greek, may consult "Hermogines among the Grekes, or els Tully or Trapesonce among the Latines." "And to them that be yonge begynnners nothings can be to playne or to short." We are reminded of the similar words of Colet, in his "Proheme" to the *Introducyon of the partes of spekyng, for chyldren and yonge begynnners into latyn speche*, written for his "newe schole of Powels" in 1510, where that kindly humanist maintains "that nothings may be to soft nor to famylyer for lytell chyldren."³

¹ Cf. Gower, *Confessio Amantis*, Book VII, "Hic tractat de secunda parte philosophiæ, cuius nomen Rhetorica facundoq̃ efficit," etc. (Chalmer's *Poets*, II, 215). Naturally Rhetoric, as one of the members of the Trivium, or undergraduate curriculum in mediæval education, receives frequent mention in most of the early writers.

² See the 'Conclusion of the Author' p. 87.

³ Cf. Seebohm, *The Oxford Reformers* (London 1887) p. 213. See also Flügel, *Neuenglisches Lesebuch* (Halle 1895) p. 298.

Cox is thus, it will be seen, little concerned with the theory of rhetoric. His aim is to tell very plainly the manner of the putting together (the "Invention") of orations of the several kinds then recognized by the rhetoricians. Every point is illustrated by an example. We are told in a given situation what is the leading idea pertinent thereto which it is incumbent on the orator to bring forward. Most of these leading cases are drawn from Cicero; others from Livy, Sallust, and the like. Then we are shown how Cicero or another actually did put his oration together. The whole method is that of the Ciceronians and the Renaissance educators simplified and put in the vernacular for the use of those who cannot use Latin texts and manuals. Fifty years later the same method without simplification or vernacularization is still in use in the English universities, where the orations of Cicero continue to serve as models in the teaching of rhetoric.

Cox's work, then, is designed as a schoolbook and as an elementary introduction for those who have missed the advantages of a scholastic training. His plan is restricted to the treatment of invention and the formal ordering of speech, for that once mastered, "there is no very great maystry to come by the resydue," and it is in this that the public speaking of the day is particularly deficient. Questions of style must be postponed to a later generation, after the matter of structure has been mastered. And, indeed, by the time of Sir Thomas Wilson in 1553 the question of style has begun to assert itself, until with the Elizabethans it is the question of questions. Furthermore, if this work, "the fyrste assay of my pore and symple wyt,"¹ find favor, the author promises "to endight other werkes both in this facultye and other."² Inasmuch as the *Rhetoric* passed to a second edition,³ we may conclude that it met with success; and probably the *Erotemata Rhetorica* upon which Cox was engaged in 1540 were designed as a part fulfillment of this promise.

¹ By which phrase I take it that Cox means his first essay in *English*. He had already made at least two essays in Latin.

² So in the "Conclusion" Cox similarly promises: "I will assay my selfe in the other partes, and so make and accomplysshe the hole werke."

³ Its extreme rarity today is probably accounted for by the fact that it was a schoolbook — books, which so rapidly destroyed in use as they were, are the rarest of old books today.

Cox's *Arte or Crafte of Rhethoryke* is only in part his own composition. It is, as he frankly avows, largely founded upon the work of another. "I haue partely traunslatyd out of a werke of Rhethoryke wrytten in the lattyn tongue, and partely compyled of myne owne, and so made a lytle treatise in maner of an introduccyon into this aforesaid scyence and that in the englysshe tongue."¹ And later, in the "Conclusion," Cox says: "But nowe I haue folowed the facion of Tully, who made a seuerall werke of inuencion."² Cicero however is not Cox's chief authority, nor does he seem to have taken very much directly out of Cicero's rhetorical writings.³ The "werke of Rhethoryke wrytten in the lattyn tongue" out of which Cox translates and on which his work is mainly founded is the "Institutiones Rhetoricæ" of Melanchthon, published in 1521. Melanchthon is "oure auctour," so frequently referred to in the course of Cox's work.⁴ Readers of Professor C. H. Herford's scholarly work on the *Literary Relations of England and Germany in the Sixteenth Century* are aware how close was the connection of English and German scholarship and letters in the first half of that century. Cox, like Melanchthon, was an educator and humanist, and inclined to the reformed religious doctrine, while his failure to mention Melanchthon's name anywhere is doubtless to be attributed to the prejudice against the German reformers in high quarters in England at this moment. When the idea of bringing out a work on the Art of Rhetoric written in English first occurred to Cox, it was natural that he should turn to the convenient compendium of the subject recently written by the great humanist educator and religious reformer of Germany, with whom, probably enough, he had already come in contact on the continent.

In 1519 Melanchthon had written a larger work on rhetoric, his *De rhetorica, libri tres*,⁵ to which Cox refers two or three times, and

¹ *Infra*, p. 42.

² P. 87.

³ See, however, *infra* p. 103.

⁴ See *Modern Language Notes*, May 1898, where I have described my discovery of the source of Cox's *Rhetoric*.

⁵ At Wittenberg: reprinted at Basle in the same year; at Leipzig 1521; Cologne 1521; and Paris 1527 and 1529. Cf. Bretschneider, *Corpus Reformatorum*, Halle 1834 f. (the first 28 volumes comprise the works of Melanchthon; the rhetorical writings are in Vol. XIII).

from which he borrows several passages.¹ In 1521, however, a shorter and much simplified version, adapted to Melanchthon school use, was compiled, perhaps from the notes of Melanchthon's lectures,² and published with the title *Institutiones Rhetoricæ* Philip. Mel.³ From the first book of this work, treating of Invention, Cox draws the greater part of his treatise, and this book accordingly is herewith reprinted for convenience of comparison. I reserve for the Notes the discussion of the exact relation between the two works.⁴ A cursory comparison of the two texts will show the closeness of Cox's dependence on his original. At the same time numerous passages in Cox seem to be of independent composition. Particularly interesting among these are many of the illustrations drawn from Renaissance and Mediæval history and lit-

¹ See the Notes infra pp. 105, 106, 108-9, 111, 112, concerning this work.

² Melanchthon himself, in an epistle to Joannes Agricola concerning this work, writes: "Qualescunque sunt hæ præceptiunculæ Rhetoricæ, quas dictavimus non scripsimus, opto ut lectori prosint. . . Porro magna ex parte res Rhetorica purius emendatiusque tractata est, quam in prioribus meis libellis." Bretschneider's note on this is: "Intelligitur itaque, hæc quæ hic edita sunt, dictata esse a Melanthe in schola, et ab amicis, probante Melanthe, edita."

³ At Hagenau; reprinted Cologne 1521; Paris 1523; Strassburg, 1524.

⁴ Other rhetorical works by Melanchthon, which do not concern us here, were the "Phil. Mel. *Elementorum rhetorices libri II*," Wittenberg 1531, a recast of the earlier works (also 1532, 1534, 1536, 1542, etc.), finally re-edited 1542 (reprinted many times), and his *Encomium Eloquentiæ* or "Necessarias esse ad omne studiorum genus artes dicendi Philip. Melanchthonis declamatio," Wittenberg n. d.,—not a treatise but a brief general essay on the subject of the title (compare Gabriel Harvey's *Rhetor*). One passage from this latter work, which illustrates both the abuses of the time and the aims of the reformers and humanists, is worth quoting:

"Disciplinæ omnes dicendi genere sic obscuratæ sunt, ut ne doctores quidem ipsi, quid profiterentur satis compertum haberent. Digladiabantur inter se de figuris sermonis philosophi, tanquam in tenebris Andabatæ, nec quisquam à domesticis suis plane intelligebatur."

On M's rhetorical writings and their importance see further A. Planck, *Melanchthon Præceptor Germania, eine Denkschrift* (Nördlingen 1860); Paulsen, *Gesch. des gelehrten Unterrichts auf den Deutschen Schulen und Universitäten* (Leipzig 1885), especially p. 149: "Melanchthon's Kompendien . . . der Rhetorik und Dialektik . . . [etc.], dienten bis ins 18. Jahrhunderts hinein dem gelehrten Unterricht auf den deutschen Universitäten und Schulen als Grundlage." According to Hallam (*Lit. Europe*) Melanchthon was, "far above all others, the founder of general learning in Germany."

erature, as well as some things also from Cicero and the classics. Not only does Cox add to Melanchthon, but he freely omits and condenses as suits his purpose. Thus, as already stated, he omits the whole of Books II and III, on *Dispositio* and *Elocutio*. Melanchthon's own direct prototypes seem to be Hermogenes or Trapezuntius (the latter he refers to with approval), Cicero, and Quintilian. All of these, except the last, are expressly named by Cox as trustworthy authorities.

Cox's *Rhetoric* doubtless served its turn with its own generation, but any direct influence from it on later English rhetorical writers can scarcely be traced. Cox's work helped to teach **Service of Cox's** better order and method in public speaking, an aim **Rhetoric.** which also inspires his next important successor, Sir Thomas Wilson; but with anything beyond the structural part of composition Cox is hardly concerned. The preoccupation with style comes in with the next generation.

Cox's own prose has some historical value among the none too numerous monuments of English prose in the first half of the sixteenth century. His style is of purpose extremely simple and plain, in order to meet the understanding of **Cox's Prose** "young beginners;" but joined with his simplicity **Style.** there is a certain rudeness which is not the strong and eloquent rudeness of Latimer, and a certain awkwardness of phrase and syntax which prevent our placing him as a writer of English anywhere near his great predecessor, Malory, his great contemporaries, More, Colet, Tyndale and Coverdale, and Elyot, or his great successors, Ascham and Wilson. He writes purely didactic prose, it is true, in which there is no opportunity for style; he saves himself from excessive Latinisms; his manner is straightforward and to the point; but little more than this can be said for him as a writer of English. In Cox's day English prose is but in the making, and with few, except one or two original spirits, does it advance to style. And Cox is not one of the originators. Nevertheless, in his way, by precept if not by example, he contributed to the formation of the new art, and so is to be reckoned with in the history of English prose.

The next¹ and the only other important English Rhetoric of the sixteenth century after Cox was *The Arte of Rhetorique, for the*

¹ But see note A at the end of this Introduction, p. 33.

use of all suche as are studious of *Eloquence*, sette forth in English,
 by Thomas Wilson. Anno Domini, M.D.LIII.
English Mense Ianuarij.¹ Wilson's work is much superior to
Rhetorics fol- Cox in originality and scope. Wilson follows the
lowing Cox. Ciceronian tradition with more independence. He
 aims to cover the entire field of the older rhetorics, treating in
 order of Invention, Disposition, "Elocution" (*i. e.*, Diction, or "an
 applying of apt wordes and sentences to the matter"),
Wilson. Memory, and "Utterance" (or "a framying of the
 voyce, countenance, and gesture, after a comely maner"). The parts
 of an oration, too, from "the Enteraunce" to the Conclusion, are
 as in Cox and his predecessors; and so are the sorts of ora-
 tory, "Oracion demonstrative," deliberative, and judicial. In his
 first and second books, except for greater amplification and a
 surer hand, Wilson's work differs little in structure and design from
 Cox's. The rest of the work, however, is entirely additional
 matter. And the chief interest of Wilson's Rhetoric is in his
 discussion of English style and diction in his third book. It is
 probable enough that Wilson may have seen Cox's book, but
 evidently he owes less to it than to their common sources. After
 Wilson, the emphasis in the popular rhetorics of the day is upon
 style and ornament, rather than upon structure and argument as
 with Cox and Wilson. No original work however
Jonson. is done until Ben Jonson's scholarship touches the
 subject in his *Timber or Discoveries*, and until Bacon,² in his
Advancement of Learning, "stirs the earth a little about the roots
 of this science," reprehending "the first distemper
Bacon. of learning, when men study words and not
 matter," and uttering upon the rhetorical precept and practice
 of the preceding century, upon Car and Ascham, upon Sturmius
 and Erasmus, the trenchant comment that "the whole inclina-

¹ Also 1560, '62, '67, '69, '80, '84 and '85.

² *Advancement of Learning*, Book I, chap. iv, § 2. See especially Book II, chap. xviii f. Bacon is the first to urge that rhetoric, or the theory of prose, is a fitter subject for the Quadrivium or graduate course than for the Trivium. See also Bacon's *Antitheta*. "Perhaps one of the most notable modern contributions to the art [of rhetoric] is the collection of commonplaces framed (in Latin) by Bacon . . . He called them 'Antitheta.'" (Jebb, art. "Rhetoric," *Encycl. Brit.*, ninth ed.)

tion and bent of those times was rather towards copie than weight."²

A. Next in point of time, after Cox, among English rhetorics was, perhaps, *A Treatise of Schemes and Tropes, very profytable for the better vnderstanding of good authors, gathered out of the best Grammarians & Orators*, by Rychard Sherry, Londoner, 1550. Partly rewritten and under an altered title in 1555. This as its title implies, is not a complete rhetoric, but is noteworthy as indicating the new interest in matters of style at even this early date. The preface is of interest for its discussion of the state of contemporary English and of the work of English authors. Latin rules of rhetoric with English paraphrases. Brief consideration of style, perspicuity, etc. Then of tropes and figures. His chief authorities, as cited, are Cicero, Quintilian, Erasmus, "Mosellane," and "Rodolphus Agricola." To the last named he seems to express especial indebtedness.

Other works on rhetoric in England during the century were, (b) "*A booke called the Foundation of Rhetorike* . . . made by Richard Rainolde, Maister of Arte, of the Uninersitie of Cambridge, 1563." Less a systematic treatise than a discursive consideration of the value and nature of rhetoric, followed by "Progimnasmata" or practical precepts, accompanied with model exercises or "Oracions." Of considerable antiquarian interest. Refers to Aphthonius, Quintilian, Hermogenes, and Tully, as the best authorities. Refers in complimentary terms to Wilson's Rhetoric, but ignores Cox.

(c) In Ascham's *Schoolmaster*, 1570, Book II, passim, are numerous passages of rhetorical precept (e. g., Works ed. Giles, London, 1864, Vol. III, 184 f., 208 f. 240 f. — cf. 95).

(d) "*The Enimie of Idleness: Teaching the maner and stile how to indite, compose, and write, all sorts of Epistles and Letters* . . . Set forth in English by William Fulwood, Marchant, 1568." Also 1571, 1578, 1586, 1593, 1598, 1621. A ready letter-writer in four books. In the dedication we are told:

"For know you sure, I meane not I the cunning clerks to teach: But rather to the vnlearned sort a few precepts to preach." Many model letters, both for common occasions, as well as from Cox's heroes, Hermolaus Barbarus, Angelus Politian, etc. Evidently a translation, at least in part, from some foreign original. Important in the history of Elizabethan style.

(e) H[enry] P[eacham], "*The Garden of Eloquence*, containing the most excellent Ornaments, Exornations, Lightes, flowers, and formes of speech, commonly called the figures of Rhetorike . . . Manifested and furnished with varietie of examples," 1577. Also 1593, revised, under above title. A mere list and description of tropes and figures, with illustrations chiefly scriptural, partly classical. Unimportant, but another sign of the devotion of the age to "exornation" of speech.

(f) "*Gabrielis Harveii Rhetor, vel duorum dierum Oratio de Natura, Arte, & Exercitatione Rhetorica*," 1577. An academic essay on the scholastic study of Rhetoric, in praise of the Ciceronian style, ancient and modern, with rules of good

² A similar criticism is made in 1531 by Sir Thos. Eliot, in his *Governor* (ed. Croft I, 116).

writing, etc. Interesting peroration reciting the great masters of style, ancient and modern, and mentioning Chaucer, More, Eliot, Ascham, and Jewell. Will not touch upon the future, "nam de futuro nihil audeo in tanto praesertim tam admirabilium ingeniorum flore affirmare."

(g) Richard Mulcaster, "*The First Part of the Elementarie* which entreateth chefeleie of the right writing of our English tung," 1582. Valuable and original observations on the art of writing English, and upon the theory of Education. Largely occupied with orthography. Warm defense of the possibilities of English. The first of handbooks of composition or rhetorics in the modern sense. An elementary text-book of language-teaching, a treatise on education, and a practical rhetoric, all in one. Highly important in the history of Elizabethan prose criticism. Cf. the same writer's *Positions*, 1581 (reprinted, London, 1887).

(h) Dudley Fenner, "*The Artes of Logike and Rhetorike*, plainlie set forth in the English Tounge," 1584, 1592, etc. A rhetoric of style and figures, by a dissenting minister. A translation, as the author tells us. "Rhetorike is an Arte of speaking finely . . . It hath two partes: Garnishing of speech, called Eloquution; Garnishing of the maner of utterance, called Pronunciation." Barren, schematic, and inadequate.

(i) "*The Arcadian Rhetorike*: or, the Præcepts of Rhetorike made plaine by examples, Greeke, Latin, English, Italian, French, Spanish, out of Homers Ilias and Odissea, Virgils Æglogs, Georgikes, and Æneis, Sir Philip Sydneis Arcadia, Songs and Sonets, Torquato Tassoës Goffredo, Aminta, Torrismondo, Salust his Iudith, and both his Semaines, Boscan and Garcilassoës Sonets and Æglogs. By Abraham Fraunce," 1588. Sufficiently described by the title. Excessively rare; only one copy known, that in the Bodleian (?). A rhetoric of style and figures. Significant of new foreign literary influence, and of the style and literary standards then à la mode.

(j) With the rhetorics of style and figures should also be reckoned Book III of Puttenham's *Arte of English Poesie*, 1589. This is the most elaborate treatment of figures yet. See Arber's reprint, 1869.

(k) "*The Orator*: Handling a hundred seuerall Discourses, in forme of Declamations: . . . Written in French by Alexander Seluayn, and Englished by L. P.," 1596. "L[azarus] P[lot]" is one of Antony Munday's pseudonyms. The preface states that the aim of the book is to teach rhetoric. A collection of model orations—most of them sufficiently spiced for the Elizabethan popular taste. The author of the original was Alexander van den Busche, called Le Sylvain.

All of these works were more or less popular and elementary. At the universities the Latin rhetorics were studied. "At Cambridge in 1570 the study of rhetoric was based on Quintilian, Hermogenes, and the speeches of Cicero viewed as works of art. An Oxford statute of 1588 shows that the same books were used there" (Jebb, art. "Rhetoric," *Encycl. Brit.*, 9th ed.).

IN PHILIPPI MELANCTHONIS RHETORICA TABULÆ.

TRIA SUNT OMNINO CAUSARUM GENERA. DEMONSTRATIVUM, DELIB-
ERATIVUM, JUDICIALE.

I. DEMONSTRATIVUM.

Demonstrativum, cum laudamus aut vituperamus.

Et est triplex, scilicet $\left\{ \begin{array}{l} 1. \text{ Personarum} \\ 2. \text{ Factorum} \\ 3. \text{ Rerum} \end{array} \right.$

I. DEMONSTRATIVUM PERSONARUM.

Demonstrativum person- $\left\{ \begin{array}{l} a) \text{ Exordium} \\ \text{arum habet orationis} \\ \text{partes quatuor} \end{array} \right. \begin{array}{l} b) \text{ Narrationem} \\ c) \text{ Contentionem} \\ d) \text{ Perorationem} \end{array}$

a) *Exordium* constat $\left\{ \begin{array}{l} \text{Benevolentiae} \\ \text{Attentionis} \\ \text{Docilitatis} \end{array} \right.$

—Benevolentia petitur à $\left\{ \begin{array}{l} \text{Rebus} \\ \text{\&} \\ \text{Personis} \end{array} \right.$

Sunt vero plurimi benevolentiae captandae loci, qui hic recenseri nequeunt.
Utimum nonnunquam Insinuatione etiam, cum turpitudinem quæ in causa videtur
esse, excusamus.

—Attentio, cum af- $\left\{ \begin{array}{l} \text{Novis} \\ \text{firmas te dicturum} \\ \text{esse de} \end{array} \right. \begin{array}{l} \text{Necessariis} \\ \text{Utilibus rebus} \\ \text{Difficilibus} \\ \text{Obscuris} \end{array}$

—Docilitas, cum af- $\left\{ \begin{array}{l} \text{Breviter} \\ \text{firmas te} \end{array} \right. \left. \begin{array}{l} \\ \text{Dilucide} \end{array} \right\} \text{dicturum}$

b) Narrationis $\left\{ \begin{array}{l} \text{Natales} \\ \text{Pueritia, ubi de ingenio dicitur et educatione} \\ \text{Adolescentia, ubi studia considerantur} \\ \text{Juventus, ubi res publice aut privatim gestæ consid-} \\ \text{erantur} \\ \text{Mors, quæ illam secuta sunt} \end{array} \right. \text{lo ci}$
sunt

c) Contentione fere hoc genus caret, quia non agitur de dubiis rebus.

d) Peroratio constat { Enumeratione argumentorum
Affectu

2. DEMONSTRATIVUM FACTORUM.

Demonstrativum factorum habet partes quinque { a) Exordium
b) Narrationem
c) Confirmationem
d) Confutationem
e) Perorationem

a) Exordium ab iisdem locis petitur, à quibus superius.

b) Narratione in hoc genere raro utimur, frequentius propositionibus.

c) Confirmationis loci { Honestum
Utile
Facile
Difficile
Possibile
Impossibile

— Circumstantiæ { Quis
Quid
Ubi
Quibus auxiliis
Cur
Quomodo
Quando

d) Confutatio ferè non incidit in laudes. Huius autem loci sunt contrarii confirmationi.

e) Peroratio constat { Repetitione argumentorum
Affectu { Gratulationis in laetis
Imitationis in laetis
Commiserationis in tristibus

3. DEMONSTRATIVUM RERUM.

Demonstrativa rerum sunt partes quinque { a) Exordium
b) Propositio. Nam in hoc genere narratio nulla est, sed vice narrationis propositio ponitur
c) Confirmatio: cujus loci { Utile
Facile
Difficile

d) Confutatio, quæ locis contrariis constat

e) Peroratio, quæ constat iisdem locis quibus supra

II. DELIBERATIVUM.

Deliberativum cum suademus aut dissuademus, petimus, hortamur aut dehortamur.

Hujus partes	{	a) Exordium .	{	Honestum : Exempla plurimum valent in hoc genere
		b) Narratio, quæ rara est. Ejus vice propositio ponitur. Nonnunquam incidunt breves narrationes, sed statim sequitur propositio.		
		c) Confirmatio, cujus loci		
		d) Confutatio, quæ à locis contrariis petitur.		
		e) Peroratio, ut supra, enumeratione et affectu constat		

III. JUDICIALE.

Judiciale, quo controversiæ ac lites continentur. Hujus triplex est status.

Qui sunt	{	1. Conjecturalis, An sit
		2. Juridicalis : Jure an injuria
		3. Legitimus, Quid sit

I. DE CONJECTURALI STATU. AN SIT :

Status Conjecturalis constat quinque partibus, quæ sunt	{	a) Exordium
		b) Narratio, quæ est historica facti commemoratio, cum sequitur statim propositio
		c) Confirmatio
		d) Comprobatio
		e) Peroratio

— c) Confirmationis sunt hujus, loci duo sunt { i Voluntas
ii Potestas

i) Voluntatis loci, cujus loci	{	a) Qualitas personæ
		β) Causa inducens ad suscipiendum facinus
		γ) Impulsio, quæ est effectus, ira, odium, avaritia, &c.
		δ) Ratiocinatio, quæ à spe commodorum ducitur
ii Potestas constat circumstantiis	{	α) Loco
		β) Tempore
		γ) Viribus : Idem sunt loci defensoris
		δ) Signis
		ε) Antecedentibus
		ζ) Consequentibus

— Defensor tamen addet { Absolutionem, cum docemus id signum quod factum est, misericordia et humanitate factum esse
Inversionem, qua docemus quod contra nos producit, pro nobis facere

2. DE JURIDICIALI, JURE AN INJURIA.

Juridicialis partibus constat quatuor, scilicet { Exordio
Narratione
Confirmatione, cujus proprii sunt loci
Peroratione

— Est autem duplex status negotialis { i Absolutus
ii Assumptivus

i Cujus loci sunt { Natura
L
Consuetudo
Æquum
Bonum
Judicatum
Pactum

ii Assumptivus cum assumpta re extranea, defensio tractatur

Ejus loci sunt { α) Concessio
β) Translatio criminis
γ) Remotio

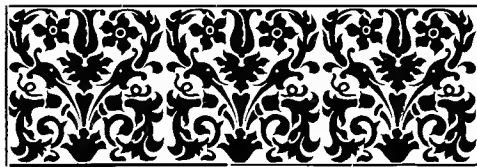
a) Concessionis partes { Purgatio, cum fatemur nos peccasse, sed per imprudentiam aut casum
Deprecatio

3. DE STATU LEGITIMO. QUID SIT.

Legitimus status constat partibus quatuor { Definitione
Contrariis legibus
Ambiguis scriptis
Ratiocinatione

[Title page of the first edition.]

The Arte
or Crafte of
Rhetor-
yke



[A ii a] ¶ To the reuerend father in god and hys finguler good lorde the lorde Hughe Faryngton Abbot of Redynge his pore clyent & perpetual seruant Leonarde Cox¹ defyrethe longe and prosperouse lyfe with encrease of honour.

Confydering my specyall good lorde howe greatly and how many wayes I am bounden to your lordefhippe. And among all other that in so greate a nombre of cunnynge men whiche ar nowe within this region / it hathe pleasid your goodnes to accept me as worthy to² haue the charge of the instruccyon³ and bryngyng uppe⁴ of fuche youthe as⁵ reforteth to your gramer schole, founded by your antecessours in thys your towne of Redyng. / I studied a longe space what thyng I myght do next the busy and dylygent occupyeng of my selfe in your saide seruyce / to the whiche bothe consciens & your stepend⁶ doth streyghtly⁷ bynde me, that myght be a fygnifycacion of my faythfull and seruisable harte whiche I owe to your lordefhypppe / and agayne a longe memorye bothe of your synguler and benefycyall [A ii b] fauore towarde me: And of myne industrie and dylygence employed in your seruyce to some profyte or at the leste way to some delectacion of the inhabytautes of this noble realme nowe florysshynge⁸ vnder the most excellent and victorouse prynce our Souerayne Lorde kynge Henry the .viii.

¶ And when I hade thus longe prepenfyd in my mynde what thyng I myght beste chose out / none offrede it selfe more conuenient to the profyte of yonge studentes,⁹ whiche youre good lordefhypppe hathe allwayes tenderly fauored / and also meter to my professyon, then to make some proper worke of the ryght pleasaunt and parfuadyble¹⁰ arte of Rhetoryke / whiche as it is very necessary to all fuche as wyll eyther be aduocates and proctoures in the lawe, or els apte to be sente in theyr prynces / Ambassades / or to be

¹ B. Cockes.

² B. for to.

³ B. instruction.

⁴ B. vp.

⁵ *Defective in A., perhaps yt (=that).* B. as.

⁶ B. stipende.

⁷ B. straitly.

⁸ B. flourysshynge.

⁹ B. studentes.

¹⁰ B. perfuadible.

techars¹ of goddes worde in fuche maner as maye be moſte ſenſible and accepte to their audience: And finally to all them that² haue² any thyng to prepoſe³ or to ſpeke afore any companye, what ſomeuer they be. So contraryly I ſe no ſcyence that is leſ⁴ taught and declared to ſcholars⁵ / whiche ought chyeſly after the knowledge of gramer ones had to be inſtructe in thys facultie without the whiche often tymes the rude vtterance of [A iii a] the aduocate greatly hyndrethe and apeyreth his clyentes cauſe. Lykewyſe the vnapte dyſpoſycyon of the precher in orderynge his mater confundyth⁶ the memory of hys herers. And bryeſly in declaryng of maters, for lake⁷ of inuencyon and order with due elocucyon, greate tedioſnes⁸ is engendred to the multytude beyng preſent / by occaſyon where of the ſpeker is many tymes or⁹ he haue endyd his tale eyther leſte almoſt alone¹⁰ to hys no lytle confuſyon, or els (whiche is a lyke rebuke to hym) the audyence falleth for werynes of hys ineloquent langage¹¹ faſte on ſlepe. ¶ Wyllynge therfore for my parte to helpe fuche as ar deſyrous of this arte (as all ſurely ought to be whiche entende to be regarded in any comynalte) I haue partely traunſlatyd¹² out of a werke of Rhethoryke wrytten in the lattyn¹³ tongue, and partely compyled of myne owne, & ſo made a lytle treatiſe in maner of an Introduccyon into this aforeſaid ſcyence, and that in the¹⁴ englyſſhe tongue. Remembryng that euery goode thyng, after the ſayenge of the Phyloſopher, the more commune¹⁵ that it is the better¹⁶ it is. And further more truſtyng therby to do ſome pleaſure and eaſe to fuche as haue by neglygence¹⁷ or els falſe parſuaſyons¹⁸ be put to the lernynge of other ſcyences or euer [A iii b] they haue attayned any meane knowledge of the latyne tonge.¹⁹

¹ B. techers.¹¹ B. language.² B. hauynge.¹² B. translated.³ B. purpoſe.¹³ B. Latin.⁴ B. leſſe.¹⁴ B. in our Englyſſhe.⁵ B. Scolers.¹⁵ B. comon.⁶ B. confoundeth.¹⁶ B. the more better.⁷ B. lacke.¹⁷ B. negligence.⁸ B. tediouſnes.¹⁸ B. falſe perſuacions.⁹ B. ere.¹⁹ B. Latin tongue.¹⁰ B. aloon.

¶ Whyche my fayde labour I humbly offer to your good lordeshyppe as to the chiefe mayntener and noriffher of my fody¹ befechyng you, though it be ferre within your merytes² done to me, to accepte it as the fyrfte affay of my pore and fymple wyt; which if it maye fyrft pleafe your lordeshyppe, and next the reders, I truſte by the ayde of almyghty god to endight³ other werkes both in this facultye and other to the laude of the hyghe godhed, of whom all goodnes doth procede, and to your lordeshyppes pleaſure, and to profyte and delectacyon of the redeſ.

[A iiii a] ¶ The arte or craſte of Rhethoryke.

Whofomeuer deſyſreth to be a good oratour or to dyſpute and commune of any maner thyng / hym behoueth to haue foure thynges. The fyrſte is called Inuencyon, for he muſte fyrſte of al imagyne or inuent in his mynde what he ſhall ſaye. The .ii.⁴ is named iudgement / for he muſte haue wyt to diſcerne and iudge whether thoſe things that he hath founde in his mynde be conuenient to the purpoſe or nat / for often tymes yf a man lake⁵ thys propriete⁶ he may aſwell tell that that is agaynſte hym / as with hym / as experience doth dayly ſhew. The .iii.⁷ is dyſpoſicyon wherby he maye knowe howe to ordre and ſet euery thyng in his due place. Leſte thoughe his inuencyon and iudgement be neuer ſo gooſe he maye happen to be counted as the commune prouerbe ſayeht To put the carte afore the horſe. The .iiii. & is ſuch thynges laſte as [ſic] he hath Inuentid and by iudgement knowne apte to his purpoſe when they ar ſet in theyr ordre ſo to ſpeke them that it maye be pleaſant and delectable to the audiance. So that it maye be ſayde of hym that hiſtoryes make mencion that an olde woman ſayd ons by demofthenes and [A iiii b] ſyns hath bene a commune prouerbe amonge the grekes οὗτος ἐστὶ⁸ whiche is aſmoche to ſaye as (This is he). And this laſte propriete is callid amonge lernyd men eloquence. Of theſe .iiii.⁹ the moſt difficile or harde is to inuente what thou muſte ſaye, wher-

¹ B. ſtudy.

⁶ B. property.

² B. merites.

⁷ B. thyſde.

³ B. endyte.

⁸ *The Greek firſt appears in B.*

⁴ B. ſeconde.

⁹ B. foure.

⁵ B. lacke.

fore of this parte the Rhetoryciens whiche be maysters of this arte haue written very moche and diligently.

Inuencyon is comprehended in certayn placys / as the Rhetoriciens call them / out of whom he that knoweth the facultye may fetch eafly fuche thynges as be mete for the mater that he shal speke of / which mater the Oratour calleth the theme and in oure vulgayre tonge it is callyd improperly the antytheme.¹ The theme propofed² we muſte after the rules of Rhetoryke go to oure placys that ſhal anone ſhew vnto vs what ſhalbe to oure purpoſe.

Example. In olde tyme there was grete enuy betweene .ii. noble men of Rome of whome the one was callyd Mylo / and the other Clodyus. The³ which malice grew ſo ferre that Clodius layed wayte for Mylo on a ſeaſon when he ſhulde ryde out of the cyte / and in his iournay ſet vpon him and there as it chanſyd⁴ Clodius was ſlayne / where vpon thys Clodius frendes accuſed Milo to the Senate of murdre. Tully whiche in [A v a] tho dayes was a grete aduocate in Rome ſhulde plede Miloes cauſe. Nowe it was opyn that Milo had ſlayn Clodius / but whether he had ſlaine him laufully or nat was the doute. So then the theme of Tullyes oracyon or plea for Milo was thys, that he had ſlayne Clodius laufully / and therefore he ought nat to be puniſhed. For the confirmacyon wherof (as dothe appere in Tullyes oracyon) he dyd brynge out of placis of Rhetoryke argumentes to proue his ſayde theme or purpoſe. And lykewyſe muſte we do when we haue any mater to ſpeke or commune of. As yf I ſhulde make an oracyon to the laude and prayſe of the kynges hyghneſſe / I muſte for the Inuencyon of fuche thynges as be for my purpoſe / go to places of Rhetoryke / where I ſhal eafly fynde (after I knowe the rules) / that that I deſyre. Here is to be noted *that* there is no theme but it is contained vnder one of .iiii.⁶ cauſis / or for the more playnes⁵ .iiii.⁶ kyndes of oracions. The fyrſte is callyd Logycall, whiche kynde we call properly diſputacion. The ſecunde is callid Demonſtratye. The thyrde Delyberatyue. The .iiii.⁷ Judicial / and theſe thre laſte be properly callid ſpeces⁸ or kindes of oracions / whoſe natures ſhalbe declarid ſeperatly here after with the craſte that is required i[n] euery [A v b] of them.

¹ B. Anthethem.

⁵ B. playnnes.

² B. purpoſed.

⁶ B. foure.

³ B. omits The.

⁷ B. fourth.

⁴ B. chaunced.

⁸ B. ſpices.

All themes that parteyne to Logike eyther they be Symple or *compounde*. As yf aman desyre to knowe of me what Iustice is / this only thyng Iustice is my theme / Or yf disputacyon be had in any¹ company vpon Relygion / and I wolde declare the very nature of Religion my theme shulde be thys symple or one thyng Relygion. But yf it be doutyd whether Iustice be a vertue or nat / and I wolde proue the part affyrmatyue / my theme were now *compounde* / that is to say / Iustice is a vertue. For it is made of .ii.² thynges knyte or vnied together / Iustice and vertu. Here must be noted³ that Logike is a playne and a sure way to instructe a man of the trouthe of euery thyng. And that in it the natures, causes, partis, and effectes of thinges ar by certayne rules discusyd and ferchyd out / So that nothinge can be perfectly and properly knowen but by rules of Logike[,] whiche is nothyng but an obseruacyon or a diligent markyng of nature / wherby in euery thyng mannes reason dothe consyder what is fyrste / what laste / what propre / what impropere.

The places or instrumentes of a symple theme ar.

The definicion of the thyng.	The partes.
The causes.	The effectes.

Example. If thou inquire what thyng [A vi a] Iustyce is / Wherof it cometh / what partes it hathe / and what is the offyce or effecte of euery parte / then haste thou diligently ferched out the whole nature of Iustice. And handelyd thy symple theme accordyng to the preceptes of Logeciens / To whome oure author lenith suche maters to be discusyd of them. Howe be it somewhat the Rhetoriciens haue to do with the symple theme / and asmoche as shalbe for theyr entent we wyl shew hereafter. For many tymes the orator must vse bothe diffinicions and diuisions. But as they be in Logyke playne and compendionse / So are they in Rhetorike extendid & paynted with many fygures and ornamentes longynge³ to the science. Neuertheles to satisfie the reders mynde and to alleuiate the tediousnes of ferchyng these places I wyl opyn the maner and fashyon of the handilyng of the theme afore sayd as playnely as I can after the preceptes of Logike / ¶ fyrst to ferche out the perfyght knowlege of Iustyce I go to my fyrst place definicion / And fetch from Aristotle in his ethiks the definicion

¹ B. *omits* any.

² B. two.

³ B. *belongyng*.

of Iuſtyce whiche is this / Iuſtyce is a morall vertue whereby men be the werkers of ryghtful thynges¹ / that is to ſay / wherby they both loue & alſo do ſuch thinges as be Juſte. Thys done I ſerche the cauſe of [A vi b] Iuſtyce that is to ſaye from whens it toke the fyrſt begynning and bycauſe that it is a morall vertue and Plato in the ende of his dialogue Menon concludeth that all vertue commyth of god I am aſſured that god is the chefe cauſe of Iuſtice declaring it to the worlde by his inſtrument mannes wyt whiche the ſame Plato affyrmythe in the begynning of his lawes. The definicyon and cauſe had [.] I come to the thyrde place callid partes to knowe whether ther be but one kynde of Iuſtyce or els many. And for thys purpoſe I fynde that Ariſtotele in the .v.² of his ethikes deuideth Iuſtice in .iii.³ ſpeces or kyndes / one that he calleth iuſtice legitime or legall / and⁴ an other whyche he called equitye. Iuſtyce legall / is that / that conſiſteth in the ſuperyours whiche haue power to make or ſtatute lawes to the inferiours / and the offyce or ende of thys Iuſtyce is to make ſuche lawes as be bothe good and accordynge to ryght and conſcience / and then to declare them / and when they are made and publiſhed as they ought to be / to ſe that they be put in vre. For what auayleth it to make neuer ſo good lawes if they be nat obſeruyd and kepte.

And fynally that the maker of the lawe apply his hole ſtudy and mynde to the welth of his ſubiectes and to the commune [A vii a] profyte of them. The other kynde of Iuſtice whiche men call equitye is wherby a man nother⁵ taketh nother⁶ giueth / les nor more then he ought / but in gyuyng taketh good hede that euery man haue accordynge as he deſeruith : This equitye⁷ is agayne diuided into equitye diſtributyue of *commune* thynges & equitye *Commutatyue* / ¶ By equitye diſtributyue is diſtributyd & gyuen of *Commune* goodes to euery man accordynge to his deſeruinges & as he is worthy to haue. As to deuyde amonges ſuche as longe to the churche of the churche goodes after the qualyte of theyr merytes, and to them that be cyuyle⁸ perſones of the commune treſour of the cyte accordynge as they are worthy. In this parte is comprehendyd the punyſhment of myſdoers and tranſgreſſours of

¹ B. thynges.

² B. fyfte.

³ B. two.

⁴ B. omits and.

⁵ B. neyther.

⁶ B. nor.

⁷ B. Equitie.

⁸ B. to them beyng Cinil.

the lawe / to whome correccion muſte be diſtributed for the commune wele accordynge to theyr demerytes after the preſcriptions of the lawes of the contrey made and determyned for the punyſhement of any maner¹ tranſgreſſour. Equite commutatyue is a iuſte maner in the chaungyng of thynges from one to another whoſe offyce or effecte is to kepe iuſte dealyng in equite, as byenge / ſellynge, and all other bargaines laful / ¶ And ſo are here with the ſpeces of Juſtyce declared theyr offices / which was the fourth & laſt place.² Oure auctour [A vii b] alſo in a grete werke that he hathe made vpon Rhetoryke declareth the handelyng of a theme ſymple by the ſame example of Juſtice, addyng .ii. places mo, whiche ar callyd affynes³ and contraries on this maner.

What is Juſtice? A uertu wherby to euery thyng is gyuen that that to it belongyth. / ¶ What is the cauſe therof? manes wyll conſenting with lawes and maneres / ¶ how many kyndes? .ii.⁴ whiche? Commutatyue and diſtributyue / For in .ii.⁵ maneres is our medlyng with other men other⁵ in thynges of our ſubſtance and wares, or in gentyll and cyuile conuerſacyon.

What thyng is Juſtyce commutatyue? Ryght and equite in all contractes.

What is Juſtyce diſtributyue? Juſtyce of cyuile luyng. How manyfolde is Juſtice dyſtributyue? Eyther yt is commune / or prynciate. The commune is callyd in latin pietas / but in englyſhe it may be moſte properly namyd goode ordre, whiche is the coroune⁶ of all vertues conſeruyng honeſte & cyuile conuerſacion of men togyther / as the heddes with the meane comynalte in good vnite & concorde. Prynciate or ſeuerall / iuſtice diſtributyue is honeſte & amiable frendſhype / and conuerſacyon of neyghbours.

What are the offyces? To do .for euery man ryche or pore of what ſomeuer ſtate [A viii a] he be⁷ and for our contrey / for our wyues, chyldren, and frendes, that that ought to be done for euery of them.

Affynes or vertues nyghe to Juſtyce are Conſtancie / Lyberalyte / Temperaunce /. Thynges contrary ar fere / couytyſe / prodigalyte. And this is the maner of handelyng of a ſimple theme dialectual.⁸

¹ B. *inserts of.*

² *Last nine words added from B.*

³ B. *affines.*

⁴ B. *two.*

⁵ B. *eyther.*

⁶ B. *crowne.*

⁷ B. *of what eſtate ſo euer he be.*

⁸ B. *dialectycall.*

But yet let not the reder deceyue hym felfe / and thynke that the very perfyght knowlege is¹ fhewyd hym² here / what³ hath bene fhewyd now is fome what generall and brefe.

More fure and exacte knowledge is conteyned in Logyke / to whome I wyll aduife them that be studyoufe to reforte and to fetch eueri thyng in his one proper facultie.⁴

¶ Of a Theme compounde.

Euery theme compounde eyther it is prouyd true or falfe. Nowe whether thou wylt proue or improue any thinge it muſte be done by argument. And any theme compounde be it Logycall or Rhetorycall / it muſte be referryd to the rules of Logike by them to be prouyd true or falfe. For thys is the dyfference that is betwene theſe two ſciencis / that the Logycyan in diſputyng obſeruythe certayne rules for the ſettyng of his words [,] beyng folycytous that ther be ſpokyn no more nor no les then the thyng requirith / and that [A viii b] it be euen as playnly ſpoken as it is thought. But the Rhetorycyan ſeketh aboutght and boroweth when he can aſinuche as he may for to make the ſymple and playne Logycall argumentes gay and delectable to the aere.⁵ ſo then the fure Judgement of argumentes or reaſons muſte be lernyd of the Logicyan but the craſte to ſet them out with pleaunte figures and to⁶ delate the matter longith⁷ to the Rhetorycian / as in Myloes cauſe of⁸ whom was made mencyon afore.

¶ A logician wolde bryeffly argue / who ſo euer violently wyll flee an other / may lawfully of the other be ſlayne in his defence. Clodius wolde vyolently haue ſlayn Milo / wherfore Clodius might lafully be ſlayne of Milo in Milous owne defence. And this argument the logiciens call a Sillogiſme in Darii / which Tully in his oracion extendeth that in foure or fyue leues it is ſcant made an end of / nor no man can haue knowlege whether Tullies argument that he maketh in his oracyon for Milo / be a gooð argument or nat / and howe it holdeth / excepte he can by Logyke reduce it to the

¹ A. reads it.

⁵ B. eare.

² B. inserts all after hym.

⁶ B. supplies to.

³ B. And that whiche hath ben.

⁷ B. belongeth

⁴ B. proper facultie.

⁸ B. supplies of.

perfecte and brieve forme of a Sillogisme / takyng in the meane feason of the Rhetorycians what ornamentes have bene cast fo^r for to lyght and augment the oracyon / and to gyue it a maiestie.

[B i a] ¶ The places out of whome are founde argumentes for the prouinge or improuynge of compounde Themes / are these followinge

Diffinicion.

Cause.

Partes.

Lyke.

Contrary.

Of the places of argumentes I halbe spoken hereafter. For as touchynge them in all thynges the Rhetorician and Logycian do agre. But as concernynge the craft to fourme argumentes whan thou hast founde them in theyr places / that must be lerned of the Logician / where he treateth of the fourme of Sellogismes / Enthimemes and Inductions.

Of an oracion demonstratiue.

The use of an oracyon demonstrative is in prayse or dysprayse / whiche kynde or maner of oracyon was greatly vsed somtyme in comon accyons / as dothe declare the oracyons of Demosthenes / and also many of Thucidides oracions. And there ben thre maners of oracions demonstratiue.

The fyrst conteyneth the prayse or dysprayse of perfones. As yf a man wolde prayse the kynges hyghnes or / dysprayse some yl perfone / it must be done by an oracyon demonstratiue. The secunde kynde [B i b] of an oracyon demonstratiue is : where in is prayfed or dispraied / nat the person but the dede. As yf a thefe put hymselfe in ieopardy for the safegarde of a true man / agaynste other theues and murderers / the person can nat be prayfed for his vicious lyuynge, but yet the dede is worthy to be commended. Or if one shulde speake of Peters denyenge of Christe / he hath nothyng to dysprayse the person saue onely for this dede. The thyrde kynde is : wherein is lauded or blamed nother person nor dede / but some other thyng as vertue / vice / iustice / iniurie / charite / enue / pacience / wrothe and fuche lyke.

^rB. to.

Partes of an Oracion.

The partes of an oracion prescribed of Rhetoriciens are these.

The Preamble or exorden.

The Tale or narracion.

The prouinge of the matter or contencion.

The conclusion.

Of the whiche partes mencyon fhall be made hereafter in euery kynde of oracions, for they are nat founde generally in euery oracion / but fome haue moo partes / and fome leffe.

Of the Preamble.

[B ii a] Generally the Preamble nat alonly in an oracion demonstratiue / but also in the other two is conteyned and must be fetched out of thre places / that is to say of beneuolence / attention / & to make the mater easy to be knowen / whiche the Rhetoricians call Docilite.

Beneuolence is the place whereby the herer is made willing to here vs / and it is conteyned in the thyng that we speke of / in them whom we speke to / & in our owne person. The easyest and most vsed place of beneuolence consysteth in the offyce or duety of the person / whan we shew that it is oure duety to do that we be aboute.

Out of this place is set the preamble of saynt Gregory Nazazene / made to the prayse of saynt Bafyl¹ / where he sayth that it is his duety to prayse saynt Bafyll for thre causes. For the grate loue and frendeshype that hath ben always betwene them / and agayne for the remembraunce of the moste fayre and excellent vertues that were in hym / and thyrdeley that the church myght haue an example of a good & holy Bysshop, ¶ Trewly by our authours lycence me thynketh that in the preamble Nazazen doth nat only take beneuolence out of the places¹ of his owne person / but also oute of the other two / whan he sheweth the cause [B ii b] of hys duetye / for in prayfynge hys frende he dyd but his duetye. In prayfynge his vertues / he cam to the place of beneuolence of hym that he spake of / as touchynge the example that the church shulde haue / it was for their profyte / and concernyng the place of beneuolence / taken of them that he spake to. But our authour regarded chyefly the

¹ B. place.

principall propofycyon / which was that faynt Gregory Nazazene was bounde to prayfe faynt Bafyll.

A lyke example of beneuolence taken out of the place of oftyce or duety / is in the oracyon that Tully made for the Poet Archyas / whiche begynneth thus .

My lordes that be here iuges / yf there be in me any wyt / whiche I know is but fmall / or yf I haue any crafty vfe of makinge an oracion / wherin I deny nat but that I haue metely excercised my felfe, or yf any helpe to that fcyence commeth out of other lyberall artes / in whome I haue occupied all my lyfe / furely I am bounde to no man more for them than to Archyas / which may lawfully if I may do any man any profyte by them / chalenge a chyefe porcyon for hym therin.

Out of this place dyd this fame Tully fetch the begynnyng of his fyrfte epiftle / in whome he wrytethe to one Lentule on [B iii a] thys maner: I do fo my duety in all poyntes to warde you / and fo great is the loue and reuerence that I bere vnto you that all other men faye that I can do no more / and yet me femeth that I haue neuer don that that I am bounde to do / eyther to you or in your caufe.

We may alfo get beneuolence by reafon of them / whome we make our oracion of: As yf we faye that we can neuer prayfe hym to hyghly / but that he is worthy moche more laude and prayfe. And fo taketh faint Nazazene¹ beneuolence in his fayde oracion for faynt Bafile.

Alfo of them afore whome we fpeke / as if we fay / it is for theyr profyte to laude or prayfe the perfon. And that we knowe very well howe moche they haue alwayes loued hym / and that he ought therefore to be prayfed the more for theyr fakes. The maner is alfo to get vs beneuolence in the preface of our oracyon / by pynchyng and blamyng of our aduerfarie. As doth Tully in the oracion that he made for one Aulus Cecinna / wherin he begynneth hys proeme thus. If temerie² and lake of fhame coulde as moch preuaile in plees afore the iuftices / as dothe audacite and temerarious boldeneffe in the feldes & deferte places / there were no remedie but euen fo muft [B iii b] Aulus Cecina be ouer come in this matter by Sextus Ebucius impudence / as he was in the felde ouercome by his

¹ B. Nazianzene.

² B. temerite.

infidious audacite. And theſe be the commune formes of beneuolence.

A man may alſo fetch his *proheme*^a out of the nature of the place wher he ſpeketh / as Tully dothe in the oracyon made for Pompeius for the fendynge of hym unto Aſie agaynſt kynge Mithridates of Pontus / and kynge Tigranes of Armenie on this maner · howe be it my lordes & maiſters of this noble cite of Rome / I haue al tymes thought it a ſynguler reioyſe to me if I myght ones ſe you gadred to gyther in a company / to here ſome publique oracion of myne / and agayne I iuged no place to be ſo ample and ſo honourable to ſpeke in as thys is. &c.

Or he may begyn at the nature of the tyme that is then / or at ſome other circumsſtaunce of his mater / as Tully taketh the begynnyng of his oracion for Celius at the tyme / this wyſe.

If ſo be it my lordes iudges any man be nowe preſent here that is ignorant of your lawes / of youre proceſſe in iugementes & of your cuſtomes / ſurely he may well maruell what ſo heynous a mater this ſhulde be / that it onely ſhulde be fyt vppon in an [B iiii a] hygh feaſte day / whan all the comonaltye after theyr olde cuſtome are gyuen to the fight of playes / ordeined after a perpetual vsage for the nones for them / all maters of the law layd for the tyme vtterly a part.

He began alſo an other oracion for one Sextus Roſcius / out of the daunger of the ſeaſon that he ſpake in.

One may beſyde theſe vſe other maner of prohemies / whiche bycauſe they are nat fet out of the very mater it ſelfe / or els the circumsſtaunces / as in theſe aforſayd they are called peregrine or ſtraunge prohemies. And they be taken out of ſentences / ſolempne petitions / maners or cuſtomes / lawes / ſtatutes of nacions & contreys. And on thys maner dothe Ariſtides begyn his oracion made to the prayle of Rome.

Demofthenes in his oracyon made agaynſt Eſchines / toke his preface out of a ſolempne petycyon / beſechynge the goddes that he myght haue as goode fauour in that cauſe / as he had founde in all other maters that he had done afore for the comon welthe.

In lyke maner begynneth Tully the oracion that he made for one Murena / & alſo the oracyon that he made vnto the Romaynes after his retourne from exyle.

^a B. proeme.

He begynnethe also another oracyon / [B iiii b] whiche he made as touchynge a lawe decreed for the diuision of felde amonge the comunen out of a custome amonge them / on this wyfe.

The maner and custome of our olde faders of Rome hathe bene. &c. And this is the maner of pefaces in any oracyon / whiche is also obserued in the makinge of epyftles / howe be it there is farre leffe crafte in them than is in an oracyon.

There is yet an other fourme & maner to begyn by infinuacion / wherfore it behoueth to knowe that infinuacion is / whan in the begynnyng / yf the mater seme nat laudable or honeft / we find an excufe therfore.

Example / Homere in his Iliade defcribeth one Therfites / that he was moſte foule and euyl fauored of all the Grekes that came to the batayle of Troye / for he was both gogle eyed / and lame on the one legge / with croked and penched fhoulders / and a longe pyked hede / balde in very many places. And beſyde theſe fautes he was a great folyſſhe babler / and ryght foule mouthed / and ful of debate and ſtryfe / carrynge alwayes agaynſt the heddes and wyſe men of the armye.

Nowe if one wolde take vpon hym to make an oracion to the prayſe of [t]his lofel / whiche mater is of litle honeſty in it ſelfe / [B v a] he muſt uſe in ſtede of a peface an infinuacion. That what thyng poetes or commune fame doth eyther prayſe or diſpraiſe ought nat to be gyuen credence to / but rather to be ſuſpecte. For ones it is the nature of poetes to fayne and lye / as bothe Homere and Virgile / which are the princes and heddes of al poetes do witneſſe them ſelfe. Of whome Homere ſayth / that poetes make many lies / and Virgile he ſayth The moſte part of the ſene is but deceyte. Poetes haue ſene blake ſoules vnder the erthe / poetes haue fayned and made many lyes of the pale kyngdome of Plato¹ / and of the water of Stegie / and of dogges in hell. And agayne commune rumours howe often they ben vayne / it is ſo open that it nede nat to be declared. wherfore his truſt is that the hearers wyl more regarde his ſaynge then² fayned fables of poetes / and ſleyng tales of lyght fokes / whiche ar for the more parte the grounders of fame and rumours.

¹ *Sic for Pluto in both A and B.*

² B. than.

An example may be fet out of the declamacion that Eraſmus made to the prayſe of folyſſhenes.

An other example hath the ſame Eraſmus in his ſeconde boke of Copia / whiche is this. Plato in the fyfte dialogue of his communalitie wyllethe that no man ſhall [B v b] haue no wyfe of hys owne / but that every woman ſhalbe commune to every man. If any man than wolde eyther prayſe or defende this mynde of Plato / which is both contrarie to Chriſtes religion and to the commune lyuynge of men / he myght as Eraſmus teacheth / begynne thus.

I knowe very well that this matter whiche I haue determynd to ſpeake of / wyll ſeme vnto you at the fyrſte herynge / nat onely very ſtraunge / but alſo right abhominable. But that nat withſtandynge / yf it wyll pleaſe you a litle while to deferre your iudgement tyll ye haue herde the ſumme of ſuche reaſons as I wyll brynge forthe in the cauſe / I doubt nothyng but that I ſhall make the trouthe ſo euydent that you all wyll with one aſſent approue it / & knowlege that ye haue ben hytherto maruelouſly deceyued in your oppynyon / and ſomdele to alleuiate your myndes / ye ſhall vnderſtande that I am nat my ſelfe authour of the thyng / but it is the mynde & faynge of the excellent & moſte hyghly named philoſopher Plato / whiche was vndoubted ſo famous a clerke / ſo deſcrete a man / and ſo vertuouſe in al his dedes / that ye may be ſure he wold ſpeke nothyng but it were on ryght perſite grounde / and that the thyng were of it ſelfe very expedient / [B vi a] thoughe peraduenture it ſhewe ſer otherwyſe at the fyrſte herynge.

In all prefaces or preambles muſte be good hede taken that they be not to ſer fet nor to longe.

Theſe affectuouſe wordes / I reioyce / I am ſory / I maruayle / I am glad for your ſake / I deſyre / I fere / I pray god / and ſuche other lyke be very apte for a preface.

Of the ſeconde place of a preface called Attencyon.

The herers ſhalbe made attente or dylygente to gyue audyence yf the oratour made¹ promyſe that he wyll ſhewe them newe thynges / or els neceſſary or profytable / or yf he ſaye that it ys an harde mater that he hathe in handelynge or els obſcure and nat eaſy to be vnderſtoode² excepte they gyue ryght good attendaunce, wherfore

¹ B. make.

² B. vnderſtand.

it is expedient that yf they wyll haue the percepcyon of it, that they gyue a good eare. But as concernynge the newnes or profyte of the matter it makythe nat all onely the herar to gyue a good eare (whiche thinge is callyd attencion) but also it¹ makyth him well wyllynge to² be prefente whiche is beneuolence.

Docilite.

[B vi b] Docilite whereby we make the mater playne and eafy to be Percyued / is nat greatly required in this kinde of oracyon / for it is belonginge properly to derke and obfcure caufes / in whiche we muſte promyſe that we wyll nat vſe great ambages / or to go (as men faye) rounde about the buſh / but to be ſhort and plaine.

Of narracion whiche is the ſeconde parte of an oracion.

The Narracion or tale wherin perſones are prayſed / is the declarynge of theyr lyfe and doynges after the faſhion of an hyſtorye. The places out of the whiche it is ſought are: The perſones byrthe. His chyl dhode. His adoleſcencie. His mannes ſtate. His olde age. His dethe and what foloweth after.

In his byrthe is conſydered of what ſtock he came / what chaunced at the tyme of his natiuite or nighe vpon / as³ in the natiuite of Chryſte ſhepeherdes harde angelles ſynge.

In his chyl dhode are marked his bryngynge vp & tokens of wyſdome commynge: As Horace in his furthe⁴ Satire ſheweth / howe in his chyl dhode his father taught hym by examples of ſuche as were than lyuynge to flee from vice and to gyue hymſelfe to vertue.

[B vii a] In adoleſcence is conſydered where to be than gyueth hym ſelfe. As in the fyrſt comedie of Terence one Simo telleth his ſeruaunt Sofia / that thoughe all yonge men for the more parte gyue them ſelfe to ſome peculiere thyng / wherin they ſette theyr cheife delyght / as ſome to haue goodly horſes / ſome to cheryſſhe houndes for huntyng / & ſome are gyuen onely to theyr bokes / his ſonne Panphilus loued none of theſe more one than an other / and yet in all theſe he exerciſed hym ſelfe meſurably.

In mannes ſtate and olde age is noted what office or rule he bare among his citifens / or in his contrey / what actes he dyd /

¹ B. it omitted.

³ As inserted from B.

² B. for to.

⁴ B. fourthe.

howe he gouerned fuche as were vnder him[,] howe he prospered / & what fortune he had in fuche thynges as he went about. *Example* here of is in Salufte / whiche compareth together Cato and Cefar / fayeng that bothe theyr stocke / age and eloquence were almoſte lyke and egall / theyr excellencie¹ and greatnes of ſpिरितe and wytte was alſo lyke and egal / and lyke fame and worſhypp had they bothe attayned howe be it nat by a lyke waye. Cefar was had in great eſtymacyon for his benefites and liberalyte. Cato had gotten hym a name for his perfyght & vpryght luyng. Cefar was prayſed for his gentilnes and pitie. Cato was [B vii b] honored for his ernestnes and furete.

The tother wanne moche bruyt by gyuyng large gyftes / by helpynge fuche as were in dyſtreſſe, and by forgiuyng of treſpaſſes done agaynſte hym. Catous fame dyd f[p]rede be cauſe he wold neither be forgyuen of none offence / neither forgiue non other / but as any man had deſerued / ſo to cauſe him to be delt with. In the one was great refuge to fuche as were in myſery: In the other was fore punyſhement and pernicion to myſdoers and euyl tran[f]-greſſours of the law. Briefly to conclude it was al Ceazars mynde and pleaſure to labour dilygently nyght and daye in his frendes cauſes / to care leſſe for his owne buſynes than theirs / to deny nothyng that was worthy to be aſked / his deſyre was euermore to be in werre / to haue a great hooft of men vnder his gouernaunce / that by his noble and hardy fayctes his valyantnes myght be the more knowen & ſpred abroad. Contraryly all Catous ſtudy was on temperaunce / and to do in no maner otherwyſe than was conuenient & fettyng² for fuche a man as he was / and chiefly he ſette his mynde to feuryty [;] he neuer made no comparifon with the riche man in richeſſe / nor with the myghty man in power. But yf nede required / with the hardy man in boldnes / [B viii a] with the temperate in moderacyon / with the good man in innocency & iuſt dealing. He cared nat for the name / it was ſufficient to hym to haue the dede / & ſo / the leſſe he cared for glorye / the more alwayes he opteyned. Many fuche comparyſons very profitable for this intent / are alſo in Plutarche in his boke of noble mennes lyues.

A goodly enſamble³ of this place is in the oracyon that Hermolaus

¹ From B. In A. excellent.

² B. ſyttynge.

³ B. enſample.

Barbarus made to the emperour Frederike and Maximilian his son / whiche for bicause it is so long I let it passe. A lyke ensample is in Tullyes oracyon / that he made to the people of Rome for Pompeyus / to be sent agaynste Mythydates.

Some there be that deuide the landes¹ of persons into three kyndes of goodes begynnyng the narracion at them / whiche thyng our author dothe not greatly commende / but rather in reherfing of any persons dedes / yf theyr can nat be kept an order of historie / and many thynges muft be spoken. It were after his mynde beste to touche fyrst his actes done by prudence / & nexte by iustice / thyrdely by fortitude² of the mynde / and last by temperaunce / and so to gather the narracion out of this foure cardinall vertues. As if one shuld prayse faint Austen / after that he hath spoken of his parentele [B viii b] and bryngyng vp in youth / and is come to the reherfall of his actes / they may be conueniently distributed into the places of vertues. On this maner dyd Tully prayse Pompey.

I suppose (sayeth he) that in hym that shulde be a hed capitayne ouer a great army ought to be four thynges. Knowledge of werre / valiantnes / auctoritie / & felicitie.

Here is to be noted that in reherfynge any persones actes / we may haue our chiefe respecte to some peculiere and pryncypall vertue in hym / enlargynge and exaltynge it by amplificacion in maner of a digression.

Our author in this worke maketh no mencyon of the laste place that is deathe and fuche thynges as folowe after / but in an other greater worke he declareth it *thus* briefly. The dethe of the person hathe also his prayses / as of fuche whiche haue ben flayne for the defence of theyr contrey or pryncce.

A very goodly ensample for the handelyng of this place is in an epistle that Angele Policiane writeth in his fourth boke of epistels to James Antiquarie of Laurence Medices / howe wyfely and deuoutly he dysposed hym selfe in his dethe bed / and of his departynge / and what chaunced at that tyme.

[C i a] And so to conclude [,] an oracion Demonstratiue / wherein persones are lauded / is an historycall expofycyon of all his lyfe in order. And there is no difference betweene this kynde and

¹ *Sic, for laudes, in both A and B.*

² *From B; A. fortune. "Fortitudinis" in Mel.*

an history / faue that in histories we be more briefe and vse lesse curiositie. Here all thynges be augmented and coloured with as much ornamentes of eloquence as can be had.

Confirmacion of our purpose / and confutyng or reprouyng of the contrarye / whiche are the partes of contencion / are not requyfte in this kynde of oracyon / for here are nat treated any doubtful maters to whom contencion perteyneth. Neuer the lesse / somtyme it happeneth (howe be it it is feldome) *that* a doubt may come / which must be either defended / or at *the* lesse¹ excused.

Example.

The frenche men in olde tyme made myghty warre agaynste *the* Romaines and so fore befygged them that they were by compulcyon constraigned to fal to compofycyon with the frenche men for an huge summe of golde / to be payed to them for the breakyng of the fyege / but beyng in this extreme mysery / they sent for one Camyllus / whome nat very longe afore they had banysshed out of the cite / and in his absence made hym dictatour / whiche [C i b] was the chyefest dignitie amonge the Romaines / and of so great auctoritie / that for the space of thre monethes / for so longe dured the offyce most conueniently / he myght do all thyng at his pleasure / whether it concerned dethe or no / for no man so hardy ones to say nay agaynste any thyng that he dyd / so that for the space he was as a kynge / hauyng al in his owne mere power.

Nowe it chaunced that while this summe was in payenge / & nat fully wayed / Camillus of whome I sayd afore / that beyng in exile he was made dictatour / came with an army / and anone bad fease of the payment / and that eche party shulde make redy to batyle² / and so he vainquished the frenche men.

Nowe yf one shulde prayse hym of his noble faytes / it shulde seme that this was done contrary to the lawe of armes / to defayt the frenche men of the raunsom due to them / syns the compacte was made afore, wherefore it is necessary for the oratour to defende this dede / and to proue that he dyd nothyng contrary to equitie. For *the* whiche purpose he hathe two places. One apparent / whiche is a common sayenge vsurped of the poete *Dalus an viris quis in*

¹ B. leest.

² B. bataile.

*ofte requirat.*¹ That is to say who wyll ferche whether the dede of enemy agaynste enemy be [C ii a] either gyle or pure valyantnes? But for that in warre lawe is as well to be kept as in other thynges. This sayeng is but of a feble grounde. The other is of a more stronge assuraunce / whiche Titus Liuius writeth in his fyfte boke from the buyldyng of Rome / where he rehcereth this hyftory nowe myncyoned / and that answere is this that the compacte was made to paye the foresayd raunfome after that Camillus was created dictatour / at what tyme it was nat lawfull that they whiche were of ferre lesse auctoritie / ye and had put them selfe holy in his hande / shulde entermedle them with any maner of treatise without his lycence / and that he was nat bounde to stande to theyr bargayne. The whiche argumente / is deducte out of two circumstances / wherof one is the tyme of the makynge of the compacte / and the other / the persons that made it / which two *circumstaunces* may briefly be called *whan* / & *who*.

Lykewyse yf an oracyon shuld be made to the laude of faynt Peter / it behoueth to excuse his denyenge of chryste / that it was rather of diuine power and wyll: than otherwyse / for a comfortable example to fynners of grace yf they repente.

This is *the* maner of *handelyng* of an oracion demonstratiue / in which *the* person is praised.

[C ii b] The author in his greater worke declareth the fashyon by this example.

If one wolde praise kynge Charles / he shulde kepe in his oracyon this order.

Fyrst in declarynge his parentel / that he was kynge Pipines sone / whiche was the fyrste of all kynges of Fraunce named the moste chrysten kynge / and by whome all after hym had the same name / and Nephiew to Martell / the most valiauntest prince that euer was. Nexte / his bryngynge vp vnder one Peter Pyfane / of whome he was instructe bothe in Greke and Laten. Than his adoleffencie / whiche he passed in exercise of armes vnder his fader in the warres of Aquitaine / where he lerned also the Sarazynes tonge.

Beynge come to mannes state / & nowe kynge of Fraunce / he subdued Aquiatyn / Italye / Swaueland² and the Saxones. And

¹ B. *Dolus au[t] virtus quis in hoste requirat.*

² Sueviam in Mel.

these warres were so fortunate / that he ouercame his aduerfaries more by auctoritie & wyfedom than by effufyng of blode.

Also many other notable examples of vertue were in hym in that age / fpecyally that he edified the vniuerfitye of Paris.

Here maye by digreffyon be declared howe goodly a thyng lernyng is in Prynces. Chieflly fuche condicion appertayneth to vertue and good lyuynge.

[C iii a] Here may be also made comparifon of his vertues in warre / & of other agreynge with peace / in the whiche (as his hiftory maketh mencyon) he was more excellent. For his chyefe delyte was to haue peace / & agayne he was so gentyll and so mercyfull that he wolde rather faue euyn fuche as had done hym great offence : & had deferued very well for to dye / than to dyftroye them / thoughe he myght do it conueniently.

Befyde this / he was so greatly enflamed in the loue of god and his holy church, that one Alcuine a noble clerk of England was continually with hym / in whose preachynge and other goftely comunicacion he had a chiefe pleafure. His olde age he paffed in refte and quyetes fortunately / faue for one thyng / that his fonnes agreed euyl betwene them.

After his deceafe reigned his fonne / holy faint Lewes / and so the folowinges of his dethe were fuche that they colde be no better / and a very great token of his good and vertuoufe lyuynge. For yf an yll tre can brynge furthe no good fruite / what fhall we fuppofe of this noble kynge Charles / of whom cam so vertuoufe and so holy a fon? Truly methynkethe that hyther may be nat inconueniently applied the fayenges of the gofpel / by theyr fruites you fhall knowe them.

[C iii b] ¶ Of an oration Demonftratiue / wherein an acte is prayfed.

Whan we wyll prayfe any maner of dede / the moft apte preamble for that purpose fhall be to fay that the mater pertaineth¹ to the commodities of them which here vs.

Example.

Whan the Romaynes had expelled theyr kynge / whom the hiftoriens call Tarquine the proude / out of the citie / and fully enacted

¹ B. pertaineth.

that they wolde neuer haue kynge to reigne more ouer them. This Tarquinius wente for ayde and focour to the kynge of Tuscaye / which whan he could by no menes entreat the Romains to receiue agayn their kynge / he cam with all his puyssaunce agaynst the citey / and there longe space besieged the Romaines by reason wherof, great penury of whete was in the citey / and the kynge of Tuscay hadde great truste / that continuynge the siege / he shulde within a lytel lenger space compell the Romaines through famine to yelde them selfe.

In the meane season a yonge man of the citie named Caius Mucius / came to the Senatours and shewed them that he was purposed yf they wolde gyue hym licence to go furthe of the citey to do an acte that [C iv a] shuld be for theyr great profite and welth / whereupon when he had obtained licence / priuely / with weapon hyd vnder his vesture he cam to the Tuscans campe / and gate hym amonge the thickest nyghe to the tent where as the kyng sat with his chaunceller / payenge the fowdiers theyr wages.

And by cause that they were almost of lyke apparel / and also the chaunceler spake many thynges as a man beyng in auctorite / he coulde nat tell whether of them was the kynge / nor he durst nat aske / lest his demaunde wolde haue bewrayed hym / for as for language they had one / & nothyng was different / for bothe Tuscains and Romaines were all of Italye / as in tymes past / Englande hath had many kynges / though the language and peple were one. And thus beyng in doubt whether of them he myght steppe vnto / by chaunce he strake the chaunceller in stede of the kynge / and flewe hym / wherfore whan he was taken and brought before the kynge / for to punish his hande that had fayled in takynge one for an other / and agayne to shewe the kyng howe lytle he cared for his menaces he thraust his hande into the fyre / whiche at that tyme was there prepared for sacrifice / and there in the flame let it brenne / nat ones mouynge it. The kynge greatly [C iv b] merueylynge at his audacitie and hardy nature / commended hym greatly thereof / and bad hym go his way free. For the which (as though he wolde make the kynge a great amendes) he fayned that .iii. C. of the noblest yonge men of Rome had conspyred togyther in lyke maner euery one after another vnwares to flee hym / and all to put their bodyes and lyues in hasard till tyme shulde

¹ B. the.

chaunce that one myght acheue theyr entent. For fere whereof the kynge furthwith fel at a pointement with the Romaines / and departed. The yonge man after warde was named Sceuola / whiche is as muche to say in Englyffh as lefte handed. For as I haue reliefed afore / he brente his ryght hande / so that he had losfe the vfe therof.

If any oratour wolde in an oracyon commende this dede / he myght conueniently make the preface on this fashyon.¹

There is no doubte my lordes and maysters of Rome: but that the remembraunce of Sceulas name is very pleafant vnto your audience / whiche with one acte that he dyd / endewed your citie with many & greate commodities. &c.

This maner of preface is moſte conuenyent and beſt annexyd to fuche maner of oracyons demonſtratuyes.

[C v a] Neuer the leſſe it is lawfull for vs to take our preface (yf it be our pleaſure) oute of ſome circumſtaunce / as out of the place that our oracion is made in / or out of the tyme that we ſpake² in / or els otherwyſe accordyng as we ſhall haue occaſyon. As Tullye / in the oracyon that he made for the reſtitucyon of Marcus Marcellus / in the whiche he prayſeth Cezare for the callynge home of the ſayd Marcus mercellus out of exyle / he taketh his preamble out of the tyme & Cezares perſon / begynnyng thus.

This daye my lordes Senatoures hathe made an ende of the longe ſcilence that I haue kepte a great whyle / nat for any fere that I had / but part for great ſorowe that was in me / and partly for ſhame / this daye as I ſayd hathe taken away that longe ſcilence / ye / and beſyde that of newe brought to me luſte and mynde to ſpeke what I wolde / and what I thought moſte expedient / lyke as I was afore wont to do. For I can nat in no manner of wyſe refrayne / but I muſte nedeſ ſpeke of the great mekenes of Cezare / of the gra-ciouſnes that is in hym / ſo habundant and ſo great withall / that neuer afore any fuche hathe ben wont to be ſene or harde of / and alſo of the excellent good moderacyon of all thynges whiche is in hym that hathe [C v b] all in his own mere power. Nor I can nat let paſſe his excellent incredible / and diuine wyſdome vnſpoken of / afore you at thys tyme.

¹ B. facion.

² B. ſpeke.

Of the Narracion.

In this kynde we vse but felden hole narracions / oneles we make our oracion afore them that knowe nat the history of the acte or dede whiche we be aboute to praise. But in stede of a narracion we vse a propofycion / on this maner.

Amonge all the noble dedes Cesar¹ that you haue done there is non that is more worthy to be prayfed then this reftitution of Marke Marcell.

Of Confyrmacion / which is the fyrfte parte of Contencion.

The places of confyrmacyon are honesty / perfite² lyghtnes or hardines of the³ dede. For after the proheme of the oracion and the narracyon / then go we to the prouynge of our mater. Fyrft shewing that it was a very honeste dede. And next / that it was nat all onely honesty : but also profitable. Thyrdely as concernynge the easines or difficulti / the praise therof muste be confydered / part in the doer / part in the dede. An easy dede deserueth no great prayse / but an harde & a ieoperdoufe thyng / the sōner and the lightlyter it is acheued / the [C vi a] more it is to be lauded. The honesty of the cause is fet from the nature of the thyng that is spoken of / whiche place lieth in the wytte of the oratour / and maye also be fet out of the phylosophers boke. It is also copiosely declared of Rhetorycyens / and very compendiously handled of Erasmus in his boke / entituled of the maner & craft to make epistles / in the chapitre of a persuadynge epistle. The profyte of the dede / or the commoditie may be fet at the circumstance of it. Circumstances are these / what was done / who dyd it / whan / where it was done / amonge whom / by whose helpe.

As if one wolde praise Sceulaes acte / of the which mencion was made afore, he may whan he cometh to the places of contencion / shew fyrste howe honest a dede it is for any man to put his lyfe in ieoperdy for the defence of his contrey / whiche is so much the more to be commended that it came of his owne mynde / and nat by the instigation of any other / and howe profitable it was to the citie to remoue so stronge and puyffaunt an enemy by so good and crafty policy / what tyme the citie was nat wel assured of all meynes myndes that were within the walles / confideryng that but a lytle

¹ B. Cezare.² B. profite.³ B. adds the.

afore many noble yonge men were detecte of treafon in the fame buines. And [C vi b] then also the citie was almoste destitute of vitayles / and all other commodities necessary for the defence.

Lyke wyse easyness or difficultie are conteyned in the circumstances of the cause. As in the example nowe spoken of / what an harde enterpryse it is for one man to entre into a kynges armye / and to come to the kynges pavilion in the face of his fouldiers to adventure to flee hym.

Of the seconde part of contention / called confutation.

Confutation is the foilyng of fuche argumentes as maye be induced agaynste our purpose / whiche parte is but lytle vsed in an oracion demonstratiue. Neuer the lesse / somtyme may chaunce a thyng that muste be eyther defended or els at the lesse¹ excused. As if any man wolde speke of Camillus dede / wherby he recouered his contrey / & delyuered it from the handes of the Frenche men. Here muste be declared that the bargayne made afore was nat by Camillus violate.

Of the conclusion.

The conclusion is made of a brife enumeration of fuche thynges that we haue spoken of afore in the oracyon and in mouynge of affections.

In delectable thynges or fuche thynges [C vii a] that haue bene well done / we moue our audyence to reioyce thereat / and to do lyke.

In fad thynges and heuy / to be fory for them. In yll and peruerse actes / to beware that they folowe nat them to theyr great shame and confusyon.

Of an oracion demonstratiue / wherin are praised neither persones nor actes / but some other thyng² / as religion / matrimony / or fuche other.

The beste begynnynge wyl be if it be taken out of some hygh prayse of the thyng. But a man maye also begyne otherwyse / eyther at his owne person or at theyrs afore whom he speketh / or at the place in the whiche he speketh / or at the season present / or otherwyse / as hath afore ben specified / and here must we take good hede that yf we take vpon vs to praise any thyng that is no³

¹ B. leest.

² B. thynges.

³ Both A. and B. no.

praise worthy / than muste we vse insinuacyon / and excuse the turpitude / either by examples or by argumentes / as Erasmus dothe in his epistle prefixed afore his oracyon made to the prayse of folysshnes / of whiche I haue let passe the transacyon because the epistle is somewhat longe.

The narracyon.

In this maner of oracyon is no narracyon / but in stede therof the Rhetorycyens [C vii b] al only propose the mater. And this propofion is in *the* stede of the narracyon.

A very elegant example is in the oracion that Angele Politiane made to the laude of histories / whiche is this. Amonge all maner of wryters by whome either the Greke tounge or the latine hathe bene in floure and excellence / without doubte me semeth that they dyd most profyte to mankynde / by whom the excellent dedes of nacyons / prynces / or valyant men haue bene truely descryued and put in cronicles.

Lykewyse yf a man prayse peace / and shewe what a commodioufe thyng it is he maye make suche a propofycon.

Amonge all the thynges whiche pertaine to *man*nes commoditie / of what someuer condycon or nature so euer they be / non is so excellent and so worthy to be had in honour and loue / as is peace.

The confyrmacyon.

The places of confyrmacyon be in this oracyon. The same that were in the other (of whom mencion was made afore / honesty / profyte / easynes / or difficulty. Honesty is confydered in the nature of the thyng / also in the perſones that haue excercyfed it / and the inuenters therof. And in the auctour of it. As in the laude of matrymony be confydered the [C viii a] auctour thereof / whiche was god hym selfe / the antiquite that it was made in the fyrſt begynnynge of the world / & continued (as reason is) to this hour in great honour and reuerence. The perſones that haue vſed it / were bothe patriarches / as Abraham. Prophetes / as Dauid / Apostels / as saynt Peter. Martyrs / saynt Eustache / And confefſours as saynt Edward. And (whiche thyng was fyrſte propofed) the nature therof is suche / that without it : man ſhuld be lyke vnto beſte / oneles all generacyon ſhulde be put aparte. And the com-

maundement of almighty god not regarded / who bad man & woman
shuld engender & multiply.

Profite and easines is confidered in the circumstaunces. Exam-
ples may be taken out of Polycyans oracyons / made to the laude of
hystories. And two oracyons of Eraſmus one to the laude of phyf-
ike / and an other to the laude of matrimony.

Of confutacyon.

Confutacyon hathe contrary places to conſirmacyon.

Of the conclufyon.

The periode or conclufyon ſtandethe in the bryefe enumeracyon
of thynges ſpoken afore / and in mouyng the affectyons / as hathe
bene aboue expreffed.

[C viii b] Of an oracyon deliberatiue.

An oracion deliberatiue is by the whiche we perſuade or diſſuade
any thing / and by the which we aſke / or whereby we exorte any
man to do a thyng / or els to forſake it / and this kynde of oracion
is muche in vſe / nat onely in ciuile maters · but alſo in epiſtles.

Of the preamble.

We may begynne our oracion in this kynde / euyn lyke as we
dyd in an oracyon demonſtratyue / but moſte aptly at our offyce or
duety / leſte ſome men wolde thynke that we dyd it more of a pri-
uate affection for our owne commoditie & pleaſure : than for any
other mannes profyte.

And in this maner Saluſt in his boke of Cathelyne bryngethe in
Cezare / begynnyng an oracyon. But let vs here nowe what Cezar
ſayeth.

All men my lordes Senatoures whiche fyt counſellyng vpon any
doubtfull maner / muſte be voyde of hatred / frendſhpye / anger /
pitye / or mercye. For where any of theſe thynges bere a rule /
mannes minde can nat lightly perceiue¹ the truthe. &c.

Or els we may begyn at the gretenes² of the mater / or daunger
of the thyng that we ſpeke of / as in the fyfte boke of Liuius
Camillus maketh the preamble of his oracion thus.

¹ B. perceyue.

² B. greatenes.

[D i a] My mayfters of this Citie of Ardea / whiche haue ben alwayes myne old frendes / & nowe (by reafon of myne exyle out of Rome) my newe neyghbours and citizens. For I thanke you of your goodnes you haue promyfed that it fhulde fo be / & on the other fyde my fortune hath conftreyned me to feke fome newe dwelling out of the citie where I was brought vp and enhabyted. I wolde nat that any of you fhulde thynke that I am nowe come amonge you nat remembrynge my condicyon and ftate / but the comon ieopardy that we be all nowe in / wyll compell every man to open and fhewe the befte remedy that he knowethe for our focoure in this great fere and neceffity.

Natwithftandyng this / a man maye take his begynnynge otherwyfe / after any of the facyons afore recyted / if he lyfte.

Tully in the oracion / wherin he aduifed the Romaynes to make Pompey theyr chyefe capytayne againfte Mythrydates and Tygranes / kynges of Ponthus and Armeny / taketh in the preface beneuolence from his owne perfon / fhewynge by what occacyon he myght lawfully gyue counsell to the Romaynes / bycaufe he was electe Pretor of the citie. We may alfo touche our aduerfaries in the preface / or els we may [D i b] touche the maners / either of fome feuerall perfons / or of the commons in general. As in the oracyon that Porcys Cato made agaynft the fumptuoufnes of the women of Rome / thus.¹

If euery man my lordes and maifters of this citie wolde obferue and kepe the ryght and maiefty of a man agaynft his owne wyfe / we fhulde hane ferre leffe encombrance nowe with the hole thronge than we haue. But nowe our fredome & lybertie is ouercome within our owne dores by the importunatnes of our wyues / and fo andi-citie² taken therof here troden vnder the fete / and oppreffed in the parlyament houfe! And by caufe we wold nat difpleafe no man his owne wyfe at home: here are we nowe combred with all / gathered togyder on a hepe / & brought in that takinge that we dare nat ones open our lyppes agaynft them. &c.

We may alfo begyn at the nature of the tyme that we fpeke in / or at the nature of the place / or at any other circumftaunce or thyng incident. As Liuius in the .ix. boke of his fourthe decade agaynft the feaftes that the Romaynes kept in the honour of the

¹ B. *adds* begynnynge.

² B. audacitie.

ydolyfhe god Bacchus / begynneth his oracyon at prayenge on this wyfe.


[D ii a] The folempne makynge of prayers vnto the goddes was neuer fo apte nor yet fo necessary in any oracyon as it is in this / whiche fhall fhewe and admonyfhe you that they be very & right goddes / whom our elders haue ordeyned to be worfhypped / adoured / and prayed vnto.

Bryefly in all prefaces belongynge to oracyons delyberatyues the offyce of the person: & the necessitye or commoditye of the matter that we treate of are confydered.

The narracyon.

In oracyons dylyberatyues¹ we vse very feldome narracyons / but for the more parte in ftede of *them* we make a bryef propofyon conteynynge the fumme of our entent. As nowe adayes nothyng is fo necessary as to labour to brynge thefe diffencyons that be in the church to a perfecte vnite and concorde / that accordynge to Chrites sayenges / there be but one fhepherde and one folde. Neuertheles we vse sometyme briefe narracyons / whan that somethynge hathe bene done all redy of that that we gyue our counsel vpon / as in the aboue sayd oracion that Tuly made for Pompey / where he maketh this narracyon.

Great & very perillous warre is made bothe agaynfte your tributores / and also them that bothe confederate with you / [D ii b] and by you called your felowes / whiche warre is moued by two ryght myghty kynges / Mythydates and Tigranes. &c.

After this maner is a narracyon in the oracion that Haniball made to Scipio / & is contained in the .x. boke of the .iii. decade of Liuius / ryght proper and elegant without any preface² beginning his narracion *thus*. 

If it hathe ben ordeined by my fortune and destiny that I whiche fyrste of all the Carthaginois began warre with the Romainys / and whiche haue almoste had the victory fo often in myne handes / fhuld now come of myne owne mynde to aske peace. I am glad that fortune hathe prepared that I fhulde aske it of you specially. And amonge all your noble landes³ this fhall not be one of the lefte⁴ that Hanibal gaue ouer to you / to whom the goddes had gyuen

¹ B. deliberatiues.

³ *Sic in A and B, for laudes.*

² B. preface

⁴ B. leest.

afore the vycторыe ouer so many capitains of the Romaynes / and that¹ it was your lucke to make an ende of this warre / in the whiche the Romayns haue had ferre mo euyl chaunces than we of Carthagene. And whether it were my destene or chaunce that ought me this fkornefull f'ame. I whiche began the warre whan your father was Confull and after ioyned batayle with him whan he was made Capitayne of the Romayns army / muste nowe come vnarmed [D iii a] to his son to aske peace of hym. It had ben beste for bothe parties if it had pleased the goddes to haue sent our fore faders that mynde / that you of Rome wolde haue ben content with the Empyre of Italy / & we Caraginoys² with Affryke. For neyther Sifil³ nor Sardynya can be any suffycient amēdes to eyther of vs for so many naueis so many armies / so many and so excellent capitaines losse in our warres betwene vs, but thynges passed / may soner be blamed than mended. we of Cartagene⁴ (as touching our parte) haue so coueted other dominions that at lengthe we had busines ynough to defende our possessions. Nor the warre hathe nat bene only with you in Italy or with vs onely in Affryke : but at the pleasure of fortune sometyme here and some there / in so muche that you my maisters of Rome haue sene the stānderdes and armes of your enemyes harde at your walles and gates of the citie. And we on the other syde haue herde the noyse out of your camps⁵ into our citie.

After the narracyon ought to folowe immediatly the propofycyon of our counsell or aduise. As after the narracion of Haniball afore rehersed / foloweth the propofycyon of his purpose thus.

[D iii b] That thyng is nowe entreated while fortune is fauorable vnto you / *that* we ought moſte to abhorre / and you ſurely ought aboue all thynges to deſyre / that is to haue peace. And it is moſte for the profyte of vs two / whiche haue the mater in handelynge that peace be had. And ſure we be / that what ſo euer we agre vpon our cities wyll ratyfye the ſame.

Nexste foloweth the confirmation of tho thynges that we entende to perſuade / whiche muſt be ſet out of the places of honiſty / profyte / eaſynes / of⁶ difficulty. As if we wyll perſuade any thyng to be done / we ſhall ſhewe that it is nat onely honeſt

¹ B. than.

⁴ B. Carthagene.

² B. Carthaginoys.

⁵ B. campe.

³ B. Sicil.

⁶ B. eaſynes / or.

and laudable: but all so profytable and easy ynough to perfourme. Or if we can nat chose but graunte that it is harde / yet we ſhall ſhew that it is ſo honeſte a dede / ſo worthy prayſe and beſydes ſo great commodity wyll come therof / that the hardenes ought in no wyſe to fere vs: but rather be as an inſtigacyon to take the thyng on hande / remembrynge the greke *prouerbe*. *Scisnola ta nala* / that is to ſay / all excellent and commendable thynges be harde and of dyfficulty.

In honeſty are comprehended all vertues / as wyſedome / iuſtice / due loue to god / and to our parentes / lyberality / pyty^a / conſtance / temperance. And therefore he that wyll for [D iii a] the conſyrming of his purpoſe declare and proue that it is honeſt and commendable that he *extendeth* to *perſuade* hym: behoueth to haue perſyte knowlege of the natures of vertues. And all ſo to haue in redy remembraunce ſentences bothe of ſcripture and of philoſophy / as oratours and poetes / and beſyde theſe / examples of hiſtoryes / for garnyſhyng of his maters.

As concernynge the place of vtilite / we muſt in all cauſes loke if we may haue any argumentes wherby we may proue that our counsell is of ſuche neceſſity / that it can nat be choſen but they muſt nedes folowe it / for tho^a argumentes be of ferre greater ſtrengthe than they that do but onely proue the vtilitie of the mater. But if we can haue no ſuche neceſſary reaſons / than we muſte ſerche out argumentes to proue our mynde to be profytable by circumſtances of the cauſe. In lyke maner to perſuade a thyng by the eaſines therof / or diſſuade it by the difficulty of the thyng / we muſte haue reſpect to poſſibiliti or impoſſibilitie / for theſe proues are of ſtrenger nature than the other / and he that wyll ſhewe that a thyng may be done eaſely: muſt preſuppoſe the poſſibilitie therof. As he on the other ſyde that wyll perſuade a thyng nat to be done / yf he ſhewe and manyfeſte that it is [D iii b] impoſſible / argueth more ſtrongely than if he could but only proue difficulty in it. For as I ſayd afore³ many thynges of difficulty yet may be the rather to be taken in⁴ hande / that they may get them that acheue them the greater fame and prayſe. And theſe argumentes be ſet out of the circumſtances of the cauſe / that is to ſaye / the tyme / the place / the doers / the thyng it ſelfe / the

^a B. pity.

³ B. *omits* afore.

^a A and B. tho.

⁴ B. on.

meanes whereby it shulde be done / the causes wherefore it shulde be done or nat / the helpes or impedimentes that may be therein. In this purpose examples of histories are of great effycacy.

The confutation is the soyllynge and refellynge of other mennes sayenges that haue or myght be brought agaynste our purpose / wherefore it confysteth¹ in places contrary to the places of confymacyon / as in prouynge the sayenge² of the contrary part / neyther to be honeste nor profytable / nor easy to perfourme / or els vtterly impossible.

The conclusyon standeth in two thynges³ / that is to saye / a bryefe and compendious repetyng of all our reasons that we haue brought for vs afore / and in mouyng of affectyons. And so dothe Ulysses conclude his oracyon in the .xiii. boke of Ouide Metamorphofy.

[D v a] Of the thyrd kynde of oracyons / called Iudiciall.

Oracyons iudiciall be that longe to controuerfies in the lawe and ples / whiche kynde of oracion in old tyme longed onely to Judges and men of lawe / but nowe for the more parte it is neglecte of them / though there be nothyng more necessarye to quicken them in crafty & wyse handeling of theyr maters.

In these oracions the fyrste is to fynde out the state of the cause / whiche is a short preposicion³ / conteynynge the hole effect of all the controuerfies. As in the oracion of Tully / made for Mylo / of the whiche I made mencyon in the begynnynge of my boke. The state of the cause is this. Mylo flewe Clodius lawfully / whyche thyng his aduersaries denyed / and yf Tully can proue it / the plee is wonne. Here must be borne away that there be thre maner of states in fuche oracyons.

The fyrste is called coniecturall. The second legitime. The thyrd / iudiciall / and euery of these hath his owne proper places to fet out argumentes of them, wherefore they shall be spoken of feuerally. And fyrste we wyll treate of state coniecturall / whiche is vsed whan we be certayne that the dede is done / but we be ignorant who [D v b] dyd it / and yet by certayne coniectures we haue one suspecte / that of very lykelyhode it shulde be he that hath commytted the cryme. And therefore this state is called coniecturall / bycause we haue no manifeste profe / but

¹ B. sayenges.

² B. thynges.

³ B. proposicion.

all onely great lykelyhodes / or as the Rhetoriciens call them / coniectures.

Example.

There was a great contencion in the Grekes army afore Troye betwene Uliſſes and Ajax / after the dethe of Achelles / whiche of them ſhulde haue his armour as nexte to the fayd Achilles in valiauntnes. In whiche controuerſye whan the Grekes hadde judged the fayde armour vnto Uliſſes / Ajax for very great diſdayne fel out of his mynde / and ſhortly after in a wode nygh to the hoſte / after he had knowen (whan he cam agayne to him ſelfe) what folyſſhe pranks he had played in the tyme of his phrenesy / for forow and ſhame he flewe hym ſelfe. Sone vpon this dede cam Uliſſes by / whiche ſeynge Ajax thruſt thrughe with a ſwerde: cam to hym, and as he was about to put out the ſwerd / the frendes of Ajax chaunced to come the ſame way / which ſeyng theyr frende deade / and his olde enemy pullynge out a ſwerde of his body / they accused hym of murder.

[D v i a] In very dede here was no profe. For of truthe Uliſſes was nat gilty in the cauſe. Neuer theles the enuye that was betwene Ajax and hym: made the mater to be nat a lytle[†] ſuſpecte / ſpecially for that he was founde there with the fayd Ajax alone / wherefore the ſtate of the plea was coniectural / whether Uliſſes flewe Ajax or nat.

The Preface.

The preface is here euyn as it is in other oracions. For we begyn accordyng to *the* nature of *the* cauſe that we haue on hande / either in blamyng our aduerſary / or els mouyng the herers to haue pity on our client. Or els we begyn at our owne perſon / or at the praife of the Juge. &c.

The narracion.

The narracion or tale is the ſhewyng of the dede in maner of an hiſtorye / wherein the accuſer muſte craftly entermengle many ſuſpicyons which ſhall ſeme to make his mater prouable. As Tulli in his oracion for Milo / where in his narracyon he intendeth by certayne coniectures to ſhewe that Clodius laye in wayte for Milo / he in his ſayde narracyon handelethe that place thus.

[†] So B.; A. lytlye.

In the meane season whan Clodius had knowledge that Milo had a lawfull and necessary iourney to the city of¹ Lauine the [D vi b] .xiii. day afore the kalendes of Marche / to poynte who shuld be hed preste there / whiche thyng longed to Milo because he was dictatour of that towne: Clodius fodaynely the day afore departed out of Rome to set vpon Milo in a lordeshyp of his owne / as after was wel perceyued. And suche haste he made to be goynge that where as the people were gadered the same day for maters wherein also he had greate ado hymselfe / & very necessary it had bene for hym to haue bene there / yet this natwithstandyng / al other thynges aparte: he went his way / which you may be sure he wold neuer haue done / faue onely that he had fully determined to preuent a tyme and place conuenient for his malicious entent afore Miloes comyng.

In this peece of Tullies narracyon are entermengled fyrste that Clodius knewe of Miloes goynge / whiche makethe the mater suspecte that Clodius went afore to mete with him / for this was wel knowen afore that Clodius bare Milo great gruge² & malyce. Next is shewed the place where as Clodius mete³ Milo / which also giueth a great suspicion / for it was nygh Clodius place / where he myght sone take focour / & the tother was in leste⁴ assurauce. Thyrdly that he departed out of the city / what time it had bene moste expedient / ye and also [D vii a] greatly requisite for hym to haue bene at home. And that agayne maketh the mater suspect / for surely he wolde nat (as Tully hym selfe sayeth) in no wyse haue bene absent at suche a busy tyme / onles it had bene for some great purpose / & what other shulde it seme than to flee Milo. As surely euedent⁵ it was that they buckled to gyther / and this was well knownen that Milo had a necessary cause to go furth of Rome at that tyme. Contraryly in Clodius coude be perceyued none other occasyon to depart than out of the citie: but of lykelyhode to lye in wayte for Milo.

The propoficion.

Out of the narracion must be gaderyd a bryfe sentence / wherein shall stande the hole pithe of the cause / for Rhetoricieus put incontinent after the narracyon diuifion / whiche is a part of conten-

¹ Of *added in B.*

³ B. *met.*

² B. *grudge.*

⁴ B. *leest.*

⁵ B. *evident.*

cyon / and dothe bryeffly shewe wherin the *controuerfy* dothe stande / or what thynges¹ shalbe spoken of in the oracion. This diuision is deuyded into feiunction and diftribucion.

Seiunction is whan we shewe wherin our aduerfaries and we agre / and what it is / wherupon we stryue. As they that pledyd Clodius cause agaynste Milo / myght on this maner haue vsed feiunction. That Milo slewe Clodius: our aduerfaries can [D vii b] nat denaye / but whether he myght so do lawfully or nat / is our controuerfy. Diftribucion is the propoficion wherein we declare of what thynges we wyll speke / of whiche yf we propose howe many they be / it is called enumeracion / but yf we do nat expresse the nombre / it is called expoficion.

Example of bothe is had in the oracion that Tully made to the people that Pompeyus myght be made chyefe capytayne of the warres agaynste Mithridates and Tigranes / where after the preface and narracyon he maketh his propofycyon by expofycyon thus.

Fyrste I thynke it expedyent to speke of the nature & kynde of this warre / and after that of the greatnes thereof / and then to shewe howe an hede or chyefe capytayne of any army shulde be chofen.

Whiche laste membre of his expofycyon he agayne diftributeth into foure partes thus as foloweth.

Truley² this is myne opynyon / that he whiche shal be a gouerner of an hoost / ought to haue these foure *propertyes* in hym. The fyrste is / that he haue perfyte knowlege of all suche thynges as longeth to warre. The seconde is that he be a man of his handes. The thyrde that he be a *man* of fuche auctoryty: that his dignity maye [D viii a] cause his fouldiers to haue hym in reuerence & awe. The fourth is that he be fortunate & lucky in all thynges that he goeth about.

Tully in the oracion for Milo proposeth all onely shewynge wherin the *controuerfy* of the plee dyd stande on thys maner as³ follyweth.³

Is there any thyng els that must be tryed & iudged in this cause faue this: whether of them bothe beganne the fraye & entended to murder the tother? No surely. So that yf it can be founden that Milo went about to distroye Clodius / than he be punysshed therfore accordyngly. But yf it can be proued that Clodius was the

¹ B. things.

² B. Truly.

³ Added in B.

begynner and layed wayte for to flee Milo / and so was the fercher of his owne dethe / & that what Milo dyd it was but to defende hym selfe from the treason of his enyme¹ & the sauegarde of his lyfe: that than he may be delyuered and quyte.²

Of confyrmacion.

The confyrmacyon of the accuser is fetched out of these places / wyl / and power. For these two thynges wyl cause the person that is accused to be greatly suspecte that he had wyl to do the thyng that he is accused of / and that he myght well³ ynoughe brynge it to passe.

To proue that he had wyl therto: you must go to .ii. places. The one is the qualite [D viii b] of the persone / and the other is the cause that meuyd hym to the dede. The qualite of the person is thus handled. For to loke what is his name or surname / and if it be noughty to saye that he had it nat for nothyng but that nature had such prym power in men to make them gyue names accordynge to the maners of euery person. Than next to behold his contrey. So Tully in his oracion made for Lucius Flaccus to improve the wytnes that was brought agaynst hym by Grekes / layth vnto them the lyghtnes of theyr contrey. This (sayeth Tully) do I saye of the hole nacion of Grekes. I graunte to them that they haue good lernynge / and the knowlege of many sciences. Nor I denye nat but that they haue a pleasant and marueylouse swete speche. They are also people of hygh and excellent quicke wytte and thereto they be very facundiouse. These and suche other qualities wherin they booste them selfe greatly: I wyl nat repyne agaynst it that they bere the maystry therin. But as concernynge equitie and good conscience / requisite / in berynge of recorde / or gyuyng of any wytnes / & also as touchynge faythfulnes of worde and promyse: truly this nacion neuer obserued this property, neyther they knewe nat what is the strength / [E i a] auctoritey / and weyght therof.

So to Englysshmen is attributed sumptuousnes in meates and drynkes. To Frenchemen / pryde / & delyte in newe fantasies. To Flemmynges and Almaynes / great drynkyng / and yet inuentyfe wyttes. To Brytayns / Gaicoignes / and Polones / larcyne.⁴

¹ B. enemy.

³ A. wyl.

² B. quyt.

⁴ B. larraccine.

To Spanyerdes / agilyte. To ytalyens / hygh wyt and muche subtilty. To Scottes / boldnes / to Iriffh men / haftines. To Boemes valiauntnes and tenacite of opynions. &c.

After that to loke on his kynred / as yf his father or mother or other kynne were of yll difpoficion / for as the tre is: fuche fruite it berethe.

On this wyfe dothe Phillis entwyte Demophon / that his father Thefeus vncurteyfly and trayteroufly lefte his loue Ariadna alone in the defert yle of Naxus / and contrary to his promyfe stale from her by nyght / addyng. *Heredem patria[e] perfide fraudis agis.* That is to faye / vntrewe & falfe forsworne man / thou playest kyndely thy¹ fathers heyre / in deceytable begylynge of thy true louer.

After that we muft loke vpon the fex / whether it be man or woman that we accufe / to fe yf any argument can be deducte out of it to our purpofe. As in men is noted [E i b] audacite / women be comonly tymeroufe. Than nexte / the age of the perfone. As in Therence Simo fpeketh of his fon Pamphilus / fayeth vnto his man called Sofia / howe couldest thou knowe his condicions or nature afore / whyle his age and feare / and his mayfter dyd let it to be knowne.

Hipermeftra in Ouides epistels ioyneth thefe .ii. places of fexe & age togyther thus.

I am a woman and a yonge mayden / mylde and gentyll / bothe by nature and yeres. My fofter handes are nat apte to fyers batayles.

After thefe folowe ftrengh of body / or agylite / and quicknes of wyt / out of whiche may be brought many reafons to affyrme our purpofe. So Tully in his oracyon for Milo / wyllynge to proue that Clodius was the begynner of the fraye / fheweth that Milo (which was neuer wont but to haue men about hym) by chaunce at that tyme had in his company certayne Muficiens and maydens that wayted on his wyfe / whom he had fyttyng with hym in his wagen. Contrarily Clodius that was neuer wont afore but to ryde in a wagen & to haue his wyfe with hym: at that tyme rode furth on horfebacke. And where as afore he was alwayes accustomed to haue knaues and quenes in his company: [E ii a] he had then non but tal men² with hym / & (as who fhulde fay) men piked out for the nones.

To this is added forme / as to affay yf we can haue any argument

¹ B. the.

² B. tall men.

to our purpose out of the person's face or countenance / and so dothe Tully argue in his oracyon agaynste Pyfo / sayenge on^a thys^a wyfe.^a

Seste^a thou nat nowe thou beste³? doste thou nat nowe perceyue what is mennes complaynt on thy vyfage? there is non that complayneth that I wote nat what Surryen⁴ & of theyr flocke whiche be but newly crepte vp to honour out of the donghyll is nowe made confull of the cite. For this seruile colour hathe nat deceiued vs nor hery cheke balles / nor rotten and fylthy tethe / thyn⁵ eyes / thy browes / forhed / and hole countenaunce / whiche in a maner dothe manifest mennes condicions and nature / it hath diceued vs.

This done / we must confyder howe he hathe bene brought vp that we accuse / amonge whom he hathe lyued / and whereby / howe he gouernethe his houshold / & assay if we can pyke out of these ought for our purpose. Also of what state he is of / fre or bond / ryche or pore / berynge offyce or nat / a man of good name / or otherwise / wherein he deliteth most / whiche places do expresse mannes lyuyng / and by his lyuyng: his wyll and mynde / as I [E ii b] wolde declare more fully / saue that in introductions men muste labour to be shorth / & agayne they are suche that he that hath any perceyuyng may sone knowe what shall make for his purpose / and howe to set it furthe. And therefore this shall suffice as touchyng the qualitie of the person.

If we bere away this for a generall rule (that what maketh for the accuser, euermore the contrary) is sure staye for the defender / yf he can proue it / or make it of the more lykelyhode. As Tully in defendyng Milo / layeth to Clodius frendes charges that he had none about hym but chosen men. And for to clere Milo he sheweth the contrary / that he had with hym syngyng laddes and women seruantes that wayted on his wyfe / whiche maketh it of more likelyhod that Clodius wente about to flee Milo: than Milo hym.

The cause that moueth to the myschefe lyeth in two thinges. In naturall impulsyon / and raciocrinacion.

Natural impulsyon is angre / hatred / couetyse / loue / or suche other affections.

So Simo in Therence / whan he had sayd that Dauus (whom he had poynted to wait vpon his sonne Pamphilus) wolde do all that myght lye in hym bothe with hande and fote / rather to dysplease hym :

^a Omitted in B.

³ B. beeft.

² B. seest.

⁴ B. Surrien.

⁵ B. thyne.

then to [E iii a] please Pamphilus mynde. And Sofia demaunded why he wolde do so. Simo made aunswere by raciocrinacion / sayenge / doste thou aske that: mary his vngracious and vnhappy mynde is the cause therof. Oenon in Ouides epistles ioyneth togyther qualytte and naturall impulsyon / sayenge *A iuene et Cupido credatur reddita virgo?* whiche is in Englyshe. Thynke you that she that was caried awaye of a yonge man / and hote in loue / was restored agayne a mayde?

Tully in the oracion for Milo / amonge other argumentes bryngeth in one against Clodius by naturall impulsyon of hatred / shewynge that Clodius had cause to hate Milo fyrst / for he was one of them that laboured for the same Tullyes reuocacyon from exyle / whiche Tully Clodius maliciously hated. Agayne that Milo oppresyd many of his furiose purposes. And fynally bycause the sayd Milo accused hym and caste hym afore the Senate and people of Rome.

Raciocrinacion is that cometh of hope of any commodity / or to eschewe any discommodity. As Tully argueth in his oracion for Milo agaynst Clodius by raciocrinacion to proue that it was he that laide wayt for Milo on this maner.

[E iii b] It is sufficient to proue that this cruel and wicked beste¹ had a great cause to flee Milo / yf he wolde brynge his maters that he went aboute to passe / and great hope if he were ones gone / nat to be letted in his pretenced malyce.

After raciocrinacion folowyth comprobacion / to shewe that no man els had any cause to go there about / saue he whome we accaused² / nor no profyte coulde come to no man thereof: saue to hym.

These are the wayes whereby an oratour shal proue that the persone accused had wyl to the thyng *that* is layde to his charge.

To proue that he might do it; ye must go to the circumstance of the cause / as that he had lyfer³ ynough thereto and place conuenient and strength withall.

Also you shall proue it by fygnes / which are of merueylouse efficacye in this behalfe / wherfore here muste be noted that fygnes be eyther wordes or dedes that eyther dyd go before or els folowe the dede. As Tully in his oracion nowe often alledged argueth agaynst Clodius by fygnes goyng afore the dede / as that Clodius

¹ B. beeste.

² B. accufe.

³ B. lyfer.

sayd thre dayes afore Milo was flayne: that he fhulde nat lyue thre¹ dayes to an ende. And that he went out of the city a lytle afore Milo rode furthe with a greate company of ftronge [E iiii a] and myfchenous knaves.

Signes folowynge are as yf after the dede was done he fled / or els whan it was layed to his charge: he bluffed or waxed pale / or stutted and coulde nat well fpeke.

The contrary places (as I fayd afore) long to the defender / faue that in fignes he muft vse .ii. thinges / abfolucion and inuencion.²

Abfolucion is wherby the defendour fheweth that it is lafull for hym to do that what the aduerfary bryngeth in for a figne of his malyce.

Example.

A man is founde coueryng of a dede body / and therupon accused of murder / he may anfwere that it is lafull to do fo for the preferuacyon of his body from rauons and other that wold deuoure hym / tyll tyme he had warned people to fetch & bury hym.

Inuencion³ is wherby we fhewe that the figne whiche is brought agaynste vs. maketh for vs. As I wolde nat haue taryed to couer hym yf I had done the dede my felfe: but haue fled and ftronke afyde into fome other way for feare of takynge.

Of the conclusion.

The *conclusion* is as I haue fayd afore in⁴ briefe repetynge of the effecte of our reafons / & in mouynge the Judges to our [E iv b] purpofe. The accufer to punyffhe the *person*⁵ accused. The defender / to moue him to pity.

Of the state iuridiciall / and the handelynge therof.

As state coniecturall cometh out of this queftyon (who dyd the dede) fo whan there is no dout⁶ but that the dede is done / and who dyd it / many tymes controuerfy is had / whether it hathe bene done lafully or nat. And this state is negociall or iuridiciall /

¹ From B. In A. he that shulde lyue thre dayes.

² B. Invercion; Lat., inversionem.

³ B. inuercion.

⁵ B. perfone.

⁴ in added from B.

⁶ B. doubt.

whiche conteyneth the ryght or wronge of the dede. As in the oracion of Tully for Milo / the ftate is iuridiciall / for open it was that Clodius was flayn / and that Milo flewe hym / but whether he kylled hym lauffully or nat: is the controuerfy & ftate of the caufe / as I haue afore declared.

The preamble and narracion as afore.

The confirmacion hath certayn places appropred thereto / but here muſte be marked that ftate negocyall is double / abſolute / and affumptyue.

State negociall abſolute is whan the thyng that is in controuerfy is abſolutely defended to be lauffully done. As in the oracion of Tully for Milo / the dede is ftyfly affirmed to be lauffully done in fleyng Clodius / feynge that Milo dyd it in his owne [E v a] defence / for the lawe permitted to repell violence violently.

The places of confirmacyon in ftate abſolute are theſe / nature / lawe / cuſtome / equity or reaſon / iugement / neceſſity / bargayne or couenant. Of the whiche places Tully in his oracion for Milo bringeth in the more parte to gyther in a cluſter on this maner.

If reaſon hath preſcrybed this to lerned and wyſe men / and neceſſity hathe dryuen it into barbours and rude folke / & cuſtome kepeth it among all nacions / and nature hathe planted it in bruite beſtes / that euery creature ſhulde defende hym ſelfe and ſaue his lyfe and his body from all violence by any maner of focour / what meanes or way ſo euer it were. You can nat iuge this dede euyl done / except you wyll iudge that whan men mete with theuys or murderers / they muſte eyther be flayne by the wepons of ſuche vnthryfty and malycious perſones: eyther els peryſſhe by your ſentence gyuen in iudgement vpon them.

State affumptyue is whan the defence is feble of it ſelfe / but yet it may be holpen by ſome other thyng added to it. And the places longynge to this ſtate are grauntynge of the faute / remouynge of the faute / or (as we ſay in our tongue) layeng it from vs to an other / & tranſlatynge of the faute.

[E v b] Grauntynge of the faute is whan the perſon accuſed denieth nat the dede / but yet he deſyareth to be forgyuen / & it hath .ii. places mo annexyd to it / purgacion & deprecacion.

Purgacion is whan he fayeth he dyd it nat maliciouſly: but by

^a B. brute beeftes.

ignorance or mishap whiche place Cato vseth ironioully in Saluſt / thus: My mynde is that ye haue pity with you / for they that haue done amysse be but very yonge men / & desyre of honour draue them to it.

Deprecacion is whan we haue non excuse: but we call vpon the Iustices mercy. The handelynge wherof Tully wryteth in his boke of inuencion thus.

He that laboreth to be forgyuen of his fault / must reherce (yf he can) some benefytes of his / done afore tyme / and shewe that they be farre greater in theyr nature than is the cryme that he hathe commytted / so that (how be it he hath done greatly amysse) yet the goodes of his fore merites are farre bygger / and so may wel oppresse this one fault. Nexte after that it behoueth hym to haue refuge to the merytes of his elders / yf there be any / and to open them. That done / he must retourne to the place of purgacion / and shewe that he dyd nat the dede for any hate or malyce / but either by folyfshness / or els by the entisement [E vi a] of some other / or for some prouable cause. And then promise faithfully that this fault shall teche hym to beware from thens forth and also that theyr benefytes that forgyue hym shal bynde hym assuredly neuer to do so more / but perpetually to abhorre any fuche offence / and with that to shewe some great hope ones to make them a great recompence & pleasure therfore agayne. After this let hym (yf he can) declare some kynred betwene them & hym / or frendshyp of his elders / & amplifie the greatenes of his seruice & good harte towarde them / yf it shall please them to forgiue this fault / & adde the nobylity of them that would fayne haue hym delyuered. And than he shall soberly declare his owne vertues & fuche thynges as be in hym perteynyng to honeste and prayse / that he may by these meanes seme rather worthy to be auanced in honour for his good qualities / than to be punished for his fall.

This done / let hym reherse some other that haue be forgyuen greater fautes then this is. It shall also greatly anayle yf he can shewe that he hath in tyme afore ben in auctoritie and bare a rule ouer other / in the whiche he was neuer but gentyll and glad to forgyue them that had offended vnderneath hym. And then let hym extenuate [E vi b] his own faute / and shewe that there folowed nat so great damage therof / and that but lytle profyte or

¹B. goodnes.

honesty wyll folowe of his punysshment. And finally then by comon places to moue the iudge to mercy & pytie vpon hym.

The aduerfary must (as I haue shewed afore) vse for his purpose contrary places.

Some Rhetoriciens put no mo places of deprecacion than only this that is here laft reherced of Tulli / that is to do our best to moue the iustice to mercy and pity.

Remocion of the faute is whan we put it from vs and lay it to another.

Example.

The Venecians haue commaunded certayne to go in ambassade to Englande / and therupon appointed them what they shal haue to bere their charges / whiche money assigned: they can nat get of the treafourer: At the daye appoynted they go nat / wherupon they are accused to the Senate. Here they must ley the fault from them to the treafourer / which dispatched them nat accordyng / as it was ordeyned that he shulde.

Translacion of the fault is / whan he that confesseth his fault fayeth that he dyd it: moued by the indignacion of the malycyouse dede of another.

[E vii a]

Example.

Kynge Agamennon / whiche was chief capitayne of the Grekes at the siege of Troye / whan he cam home was slayne of Egistus by the treason of Cliteneſtra his owne wyfe / whiche murder his sonne Orestes feynge / whan he cam to mannes state / reuenged his fathers deathe on his mother / and flewe her / wherupon he was accused. Here Orestes can nat deny but he flewe his mother: but he layeth for hym that his mothers abhominable iniury constrayned him thereto / bycause she flewe his father.

And this is the handelynge of confyrmacyon in state assumptiue.

The conclusions in these oracyons are lyke to the conclusions of other.

Of state legitime / and the
handelynge therof.

State legitime is whan the controuersy standeth in definicyon or contrary lawes / or doutful wrytynges / or racyocynacyon / or translacyon.

Of definicion.

Definicion (as Tully wryteth) is whan in any wrytynge is some worde put / the signification wherof requireth expoficion.

[E vii b]

Example.

A lawe maye be made that fuche as forfake a fhyppe in tyme of tempeft fhulde lefe theyr ryght that they haue / eyther in the fhyppe or in any goodes within the fame veffell / & that they fhall haue the fhyp & the goodes that abyde styll in her.

It chaunced .ii. men to be in a lytle crayer / of the whiche veffell the one man was both owner and gouernour / and the other poffeffour of the goodes. And as they were in the mayne fee / they espied one that was fwymmyng in the fee / and as well as he coulde holdyng vp his handes to them for focour / wherupon they (beyng moued with⁷pytie) made towarde hym / & toke hym vp. Within a lytle after arofe a greate tempeft vpon them / and put them in fuche ieopardy that the owner of the fhyp (which was alfo gouernour) lepte out of the fhyp into the fhyp bote / & with the rope that tyed the bote to the fhyp : he gouerned the fhyp as well as he colde. The marchant that was within the fhyp / for great difpayre of the loffe of his goodes / wylling to flee hym felfe : threft hymfelfe in with his owne fworde / but as it chaunced the wounde was neyther mortall nor very greuouse / but natwithftandyng for that tyme he was vnable to do any good in helpyng the fhyp agaynft the impetuoufnes of the ftorme. The thyrd [E viii a] man (whiche nat longe afore had fuffered fhypwracke) gate hym to the fterne : and holpe the veffell the beft that laye in hym.

At length the ftorme ceaced / and the fhyp came fafe into the hauen / bote and all. He that was hurt (by helpe of Chirurgiens) recouered anon. Nowe every of thefe thre chalenge the fhyp & goodes as his owne. Here euery man layeth for hym the lawe aboue reherced, and all theyr controuerfy lyeth in the expoundyng of thre wordes / abydyng in the fhyp / and forfakynge the fhyp / and what we fhall in furch cafe cal the fhyp / whether the bote as part of the fhyp : or els the fhyp it felfe alone.

The handelyng hereof is. Fyrft in few wordes and plaine to declare the signification of the worde to our purpofe / and after fuche maner as may feme refoable to the audience. Nexte / after

suche expoficion to declare and proue the fayd expoficion true / with as many argumentes as we can.

Thyrdely to ioine our dede with the expoficion / & to fhew that we onely dyd obferue the very entent of the lawe. Than to refell the expoficion of our aduerfaries / & to fhew that theyr expoficion is contrary to reafon and equitie / and that no wyfe man wyll fo take the law as they expounde it / and that the expoficion is neither honeft nor profytable / [E viii b] and to confter theyr expoficion with oures / and to fhew that oures conteyneth the veritie and theirs is falce. Oures honeft / reafonable / & profitable : Theyrs clene contrarye. And then ferche out lyke examples / either of greater maters or of leffe / or els of egall maters / and to manifett by them / that our mynde is the very truthe.

Contrary lawes are where the tone femeth euidently to contrarye the other. As yf a law were that he whom his father hath forfaken for his forzene / fhall in no wyfe haue any porcion of his fathers goodes. And an other lawe / that who fo euer in tyme of tempeft abyde in the fhyp : fhall haue the fhyp and goodes. Then pofe that one whiche was of his father fo abiecte & denyed for his chylde · was in a fhyp of his fathers in tyme of fore wether / and whan al other for feare of lefyng thefelfe forfoke the fhyp and gate them into the bote : he onely abode / and by chaunce was fafe brought into the hauen / wherupon he chalengeth the veffel for his / where as the party defendant wyll lay agaynft hym that he is abdicate or forfaken of his father / and fo can nat by the lawe haue any parte of his goodes. Here muft he fay agayn for hym that this law alleged doth all only priuate from theyr fathers goodes fuche as be abdicate & yet [F i a] wolde challenge a part as his children / but that he doth nat fo / but requireth to haue the fhyp / nat as a fon to his father : but as any other ftraunger myght / feyng the law gyueth hym the fhyp that abyde in her in tyme of neceffity. And fo the handelyng of this ftate / eyther to deny one of the lawes and fhewe that it¹ hathe bene afore annulled / or els to expounde it after the fence that is mete to our purpofe.


Doubtful wrytynge is where either the mynde of the author femeth to be contrary to that that is wryten / which fom call wrytynge & fentence / or els it is whan the wordes may be expounded dyuers wayes.

¹ B. *inserts it.*

Example of the fyrst.

Men say it is a law in Caley that no straunger may go vpon the towne walles on payne of dethe. Now then pose that in tyme of warre the towne beyng harde besieged / an alien dwellynge in the towne getteth hyn to the walles amonge the fouldiers / & doth more good than any one man agayn. Now after the siege ended he is accused for *trau*sgressyng of the lawe / which in wordes is euidently agaynst him. But here the defendaunt must declare the wryters mynde by circumstaunces / what straunger he dyd forbyd / and what tyme / and after what maner / and in what intent [F i b] he wolde nat haue any straunger to come on the walles / & in what intent his mynde might be vnderstanden to suffre an alien to go vpon the walles. And here must the effecte of the straungers wyl be declared / that he went vp to defend the towne to put back their enemies. And therto he must say that the maker was nat so vndiscrete & vnreasonable that he wolde haue no maner of exception which shuld be to the welth / profite / or preferuacion of the towne. For he that wyl nat haue the law to be vnderstanden accordyng to equitie / good maner / & nature / entendeth to proue the maker therof either an vniust man / or folyfhe or enuiouse.

The accuser contrarily shall prayse the maker of the law for his great wisdom / for his playne wrytyng without any maner of ambiguity / that no straunger shulde presume to go vpon the walles / & reherce the lawe word for worde / & than shew some¹ reasonable cause that mouyd the maker of the law that he wolde vtterly that no straunger shuld ascend the walles. &c. Example of the second.

A man in his testament gyueth to two yonge daughters that he hathe two hundred shepe / to be delyuered at the day of theyr maryage / on this maner.  I wyll that myne executours shall gyue to my daughters at the tyme of theyr maryage [F ii a] euery of them an hundred shepe / fuche as they wyll. At the tyme of maryage they demaunde theyr cattell / whiche the executours deliuer nat of fuche sort as the maydens wold / wherupon the controuerfy ariseth. For the executours say they are bounde to delyuer to euery of them an hundred shepe / fuche as they that be the executours wyll. Now here standeth the dout / to whom we shall referre this worde *they* / to the daughters / or to the executours.

¹ B. som.

The maydens fay nay thereto / but that it was theyr fathers mynde that they shulde haue euery of them an .C. shepe / fuche as they that be the doughters wyll.

The handelyng of doutfull wrytyng is to shew yf it be possible that it is nat wryten doutfully by cause it is the comon maner to take it after as we fay / & that it may sone be knowen by fuche wordes as partely go before that claufe & partly folow / & that there be few wordes / but if they be considered so alone / they may anon be taken doubtfully. And first we shal shewe if we can that it is nat doubtfully wryten / for there is no reasonable man : but he wyl take it as we fay.

Than shal we declare by that that goeth afore / & foloweth / that it is clerly euyn as we fay / & that yf we consider the wordes of them selfe they wyl seme to be of ambiguite [F ii b] but seyng they may by the rest of the writing be euident ynough / they ought nat to be taken as doubtfull. And then shew that yf it had ben his minde that made the wrytyng to haue it taken as the aduersarye sayeth : he neded nat to haue wryten any such wordes. As in the example now put / the maydens may fay that yf it had bene theyr fathers mynde that the executours shulde haue delyuered fuche shepe as it had pleased them to delyuer : he neded nat to haue added these wordes *such as they wyll*. For yf they had nat ben put / it wolde nat haue bene dought but that the executers' delyuerynge euery of hem an hundred shepe (whatsoeuer they were) had fulfilled the wyll / and could haue ben no further compelled / wherfore if his mynde was as they fay / it was a great folye to put in tho wordes whiche made a playne mater to be vnplaine. And than finally shew it is more honest and conuenient to expounde it as we fay : then as our aduersaryes do.

Raciocinacion is whan the mater is in controuersy / wherupon no law is decreed / but yet the iugement therof may be founde out by lawes made vpon maters somdele resemblinge thereunto.

As in Rome was this law made / that yf any persone were distraught / his possessions [F iii a] and goodes shulde come to the handes of his next kynne.

And an other law / what any householder dothe orden* and make as concernynge his householde and other goodes / it is approbate and confirmed by the lawe. And an other law / if any householder

* B. executours.

* B. ordeyn.

dye intefate / his monye & other goodes fhall remayne to his next kyn. It chaunced one to kyll his owne mother / wherupon he was taken and condempned to deathe / but whyle he lay in pryfon / certayne of his familiare frendes cam thyther to hym / and brought with them a clerke to wryte his testament / whiche he there made / & made fuche executours as it pleased hym. After his deth his kynnesmen chalenge his goodes, his executours fay them nay / wherupon aryfeth controuerfy afore the iuflice.

There is no lawe made vpon this cafe / whether he that hath kyllid his mother may make any testament or nat / but it may be reasoned on bothe parties by the lawes aboue reherfed. The kynfmen fhall allege the lawe made for them that be out of theyr myndes / prefuppofynge hym nat to be in muche other cafe / or els he wolde nat haue done the dede. The contrary parte fhall allege the other lawe / and fhewe that it was none alienacion of mynde : but fome other [F iii b] caufe that moued hym to it / and that he hath had his punyffment therfore / which he fhulde nat haue fuffred of conuenient if he had bene befylde hym felfe.

Tranfacion is whiche the lawyers cal excepcion / as yf a perfon accused pleade that it is nat lawfull for the tother to accufe hym / or that the Juge can be no iuge in that caufe. &c.

The conclufion of the Author.

Thefe are my fpeciall and finguler goode Lorde whiche I haue purpofed to wryte as touchyng the cheyf poynt of the .iiii. that I fayd in the begynnyng to long to a Rhetoricien / and which is more difficulty than the other .iii. fo that it ones had / there is no very great mayftry to come by the refydue. Natwithftandyng yf I fe that it be fyrft acceptable to your good lordfhip in whom nexte god and his holy faintes I haue put my chyef confidence and truft / and after that yf I fynde that it feme to the reders a thyng worthy to be looked on / and that your lordfhip and they thynke nat my labour taken in vayne : I will affay my felfe in the other partes / and fo make and accomplyfhe the hole werke. But nowe I haue folowed the facion of Tully / who made a feuerall werke of inuencion. And [F iv a] though many thynges be left out of this treatyfe that ought to be fpoken of / yet I fuppofe that this fhall be fufficyent for an introductyon to yonge begynners / for whom all onely this boke is made. For other that bene entred all redy fhall haue lytle nede of my labour / but they may feke more meter

thynges for theyr purpose / either in Hermogines among the Grekes / or els Tully or Trapefonce / among the Latines. And to them that be yonge begynners nothyng can be to playne or to fhort / wherefore Horace in his boke of the craft of Poetry sayeth

Quicquid præcipies esto brevis ut cito dicta

Percipiant animi dociles teneantque fideles.

what so euer ye wyll teache (sayth he) be brief therin / that the myndes of the herers or reders may the easiier perceyue it / and the better bere it away. And the Emperour Justinian sayeth in the fyrste boke of his institucions in the paragraph of iustice and right / that ouer great curiosyty in the fyrst principles / make hym that is studious of the facultie either to forsake it or els to attayne it with very great and tedyouse labour / and many tymes with great dispayre to com to the ende of his purpose. And for this cause I haue bene ferre lesse curious than I wolde els haue ben / and also a great dele the fhorter. If this my labour [F iv b] may please your lordshyp / it is the thyng that I do in it moste desyre / but yf it seme bothe to you & other a thyng that is very rude and fkannt worthe the lokyng on : yet Aristotles wordes shal comfort me / who sayeth that men be nat onely bounde to good outours : but also to bad / bicause that by their wrytyng they haue prouoked cunnynger men to take the mater on hande / which wolde els peraduenture haue helde their peace. Truly there is nothyng that I wolde be more gladder of / than if it might chaunce me on this maner to cause them that be of moch better lernynge & excercise in this arte than I, of whom I am uery sure that this realme hath great plenty / that they wolde set the penne to the paper / & by their industry obscure my rude ignorance. In the meane space I beseeche the reders / yf they fynde any thyng therin that may do them any profyte / that they gyue the thanks to god and to your lordshyp / and that they wyll of their charitie pray vnto the bleffyd Trinite for me / that whan it shal please the godhed to take me from this transitory lyfe / I may by his mercy be of the nombre of his electe to perpetuall saluacyon.

Imprinted at London in Fletestrete² / by me Robert Redman / dwellyng³ at³ the³ fygne³ of³ the³ George.³ Cum priuilegio.

¹ B. authors.

² Added in B — by saynt Dunstons chyrche at the fygne of the George.

³ Omitted in B.

⁴ Added in B. — The yere of our lorde god a thousande, fyue hundred and two and thyrty.

MELANCHTHON'S
INSTITVTIONES RHETORICÆ

[THE PORTION ON INVENTION.]

EXTRACT FROM MELANCHTHON'S "INSTITVTIONES
RHETORICÆ."

(The Portion on Invention.)

[Sig. a ii recto]: ELEMENTA RHETORICES.

Partes differentium sunt, inuenire, iudicare, disponere, & eloqui. Difficillimum est inuenire quid dicas, quare de inuentione plurima sunt a rhetoribus tradita.

Inventionem loci quidam continent, qui indicant de quouis themate, quid dicas, non inuenitur thema, sed proposito themate, inueniuntur loci, quibus ipsum uel muniatur, uel ornatur, ut proposito themate, Clodius iure cæsus est, Rhetor e locis suis argumenta petit confirmandi thematis. Quare de thematum differentia dicendum est.

Sicut causarum ita thematum genera quatuor sunt. Dialecticum, demonstratiuum, deliberatiuum, iudiciale.

Dialecticum Thema est aut simplex, ut pietas, aut compositum, ut pietas est iusticia.

Est autem dialecticum genus, certa quædam & simplex docendi ratio, qua rerum naturæ, causæ, partes & officia certis quibusdam legibus inquiruntur, ut exacte & proprie nihil cognosci queat, nisi dialecticis organis aftractum. Est enim obseruatio quædam naturæ, qua in quauis re ipsa hominum ratio considerat, quid prius, quid posterius, quid proprium, quid improprium fit.

Loci seu organa simplicis thematis.

Finitio,

Causæ,

Partes,

Officia, Vt si quid sit iusticia, quæ causæ eius sunt, quæ partes, quæ officia, inquieris, iam totam iusticiæ naturam perscrutatus es, & de iis quidem dialectici uiderint. Nam huic simplicium thematum generi, quatenus cum rhetore conueniat, infra docebimus. Est enim ubi definitionibus ubi diuisionibus utitur. Quæ ut sunt apud dialecticum certæ & compendiarie, ita apud rhetorem amplæ & splendide.

DE COMPOSITO THEMATE.

Omne compositum thema, aut probatur, aut improbat.

Probatio aut improbatio argumentis constat. Iam omne compositum *θέμα* siue rhetoricum, siue *διαλεκτικὸν*, in dialecticas figuras referri potest. Itaque inter rhetorica & dialectica sic conuenit, quod de proposito themate dialecticus certa lege uerborum & anxie obseruata sermonis proprietate, ne plus minusue dicatur quam res concepta apud animum præscripsit, differit. Rhetor uero etiam aliunde addit simplicibus argumentis ornamenta quædam. Ego certum argumentorum iudicium a dialecticis, ornamentorum figuras a rhetoribus peto, ut in Miloniana, sic argumentari dialecticus poterit, Vim ui repellere fas est, Clodium occidit, uim ui repellens Milo, ergo Clodius iure cæsus est. Quem *συλλογισμὸν* Marcus Cic. uix multis paginis absoluit. Neque uero de eo apte iudicare poteris nisi reuocaris in simplicem, & *διαλεκτικὴν* formulam, indicante interim rhetore, quæ ornamenta sint addita præter necessitatem, in hoc tantum ut illustrent, ut augustiore reddant orationem.

Loci seu organa argumentorum inueniendorum, quibus composita *θεματα* muniuntur,

Finitio,
Causæ,
Partes,
Similia,
Contraria.

De argumentorum locis infra agemus, omnino enim rhetori & dialectico de locis conuenit. Nam qui modi sint, & quæ formulæ argumentorum nectendorum dialecticus docet, ubi *συλλογισμὸν*, enthymematum, & *ἀπαγωγῶν* formas tradit.

DE GENERE DEMONSTRATIVO.

Demonstratiuum genus, quo utimur laudando, aut uituperando, celebre quondam in actionibus publicis, ut indicant Demosthenis, item pleræque Thucydidis conciones. Nunc ad scholas & ad exercitium iuuentutis relegatum est. Est autem triplex. Nam aut personæ laudantur, ut Cæsar, aut facta, ut Scæuolæ factum, aut res, ut iusticia, pietas. Semper itaque simplicis *θεματος* genus demonstratiuum est.

DE PERSONARUM LAVDE.

Orationis partes a rhetoribus præscriptæ sunt.

Exordium

Narratio

Contentio

Peroratio.

Quas partes deinceps in singulis generibus requiremus. Neque uero ubique omnium usus est.

DE EXORDIO.

Exordium non modo in hoc genere sed in aliis etiam tribus locis constat.

Beneuolentiæ

Attentionis

Docilitatis.

Beneuolentia petitur tum a rebus, tum a personis. Facillimus & usitatissimus beneuolentiæ tractandæ locus est officium personarum. Quale est exordium Nazianzeni in Basilii laudem. Debere se Basilium laudare, tum propter amicitiae rationes, tum propter memoriam pulcherrimarum uirtutum, tum ut exemplum habeat ecclesia optimi & sanctissimi episcopi.

Ab Officio orditur Cicero pro Archia. Si quid est in me ingenii iudices, quod sentio quam sit exiguum, aut si qua exercitatio dicendi, in qua me non inficior mediocriter esse uersatum, aut si huiusce rei ratio aliqua ab optimarum artium studiis, & disciplina perfecta, a qua ego nullum confiteor ætatis meæ tempus abhoruisse, earum rerum omnium, uel in primis hic A. Licinius fructum a me repetere prope suo iure debet.

Ab Officio exorditur primam Epistolam Cice. Ego officio ac pietate cæteris satisfacio omnibus, mihi ipsi non satisfacio, tanta enim est magnitudo meritorum tuorum.

Ab iis quos laudamus, ut superiorem esse eum, de quo dicturus es, omni orationis facultate. Sic de Basilio Gre. Nazian.

Ab iis coram quibus dicitur, ut ex re eorum esse, coram quibus dicis, ut hunc laudes, satis scire quam charus ciuitati fuerit, ideo publici officii gratia laudandum esse.

Principio notare, perstringere, criminari aduersarium, ut pro Aulo Ceci. si quantum in agro, locisque desertis audacia potest, tantum in foro atque in iudiciis impudentia ualeret, non minus in

caussa cederet Au. Cecin. Sexti Ebutii impudentiæ, quam tum in ui facienda cessit audaciæ. Et hæ quidem sunt communes formulæ benevolentiae.

Commode trahuntur exordia a locis, temporibus & ab aliis circumstantiis, quæ forte fortuna inciderunt. Vt Cice. pro Celio A Tempore orsus est, Si quis forte nunc iudices adfit ignarus legum, iudiciorum, consuetudinis uestræ, miretur profecto quæ sit tanta atrocitas huius causæ, quod diebus festis, ludisque publicis, omnibus negociis forensibus intermissis, unum hoc iudicium exerceatur.

A Temporum periculis orsus est pro Sexto Roscio.

Peregrina exordia sæpe ducuntur,

A sententiis,

A uotis,

A moribus,

A legibus.

Institutus gentium, Vt Aristides in Encomio Romæ, sic Demosthenes in Aeschinem a uoto orsus est. Optare se a diis immortalibus ut quam gratiam hactenus expertus fuisset in Rep. gesta, eam nunc in hac causa experiretur. Et pro Murena Cice. & de reditu suo. Orditur & a more pro lege agraria.

Idem fere in epistolarum exordiis obseruatur quamquam in his minus est artificii.

DE INSINUATIONE.

Insinuatio est cum principio orationis excusamus turpitudinem, quæ in causa uidetur esse, ut si quis Therpsiten laudaturus sit, cum hunc damnarint poetæ, damnarit & fama, sic ordiatur. Boni uiri esse suspectum habere, quidquid uel poetæ, uel fama probet aut damnet. Ideo confidere auditores magis quæ dicturus sis, quam quæ incerta fama acceperint consideratos.

Exemplum habes exordium Moriæ Erasmi.

In exordiis cauendum, ne longius petantur, item ne nimis prolixa sint.

Accommodata sunt exordiis hæc affectuum uerba Gaudeo, doleo, miror, gratulor, opto, uereor, precor, & similia, ut apud Paulum εὐχαριστῶ.

DE ATTENTIONE.

Attenti erunt si de nouis, necessariis, utilibus rebus, item difficilibus, aut obscuris, dicturum te affirmes. Est & ubi benevolentiam captes, a nouitate, & utilitate argumenti.

DE DOCILITATE.

Dociles, si dicturum te affirmes breuiter & dilucide.

Narratio qua personæ laudantur, est historica commemoratio totius vitæ.

Loci sunt natales, puericia, ubi de ingenio dicitur, & educatione. Adulescentia, ubi studia considerantur. Iuuentus & senectus, ubi res publicæ aut priuatim gestæ considerantur, mors, & quæ illam secuta sunt.

Quidam personarum laudes partiuntur in tria genera bonorum, & ab illis incipiunt narrationem, quod non admodum probo, quam in commemorandis gestis rebus, si non potest historicus ordo temporum obseruari, & multa facta sunt congerenda, patiar commemorari primum prudentiæ, deinde iusticiæ, postea fortitudinis, postremum temperantiæ exempla. Vt si sis Augustinum laudaturus, recensitis natalibus, ubi iam ad egregia facta peruentum est, patiar ea distribui in locos uirtutum. Sic Cicero laudauit Pompeium. Ego sic existimo in summo Imperatore quatuor has res inesse oportere, scientiam rei militaris, virtutem, auctoritatem, felicitatem.

In recensendis factis nonnunquam ad alicuius uirtutis peculiarem laudem per amplificationes excurrendum est.

Itaque oratio, qua persona laudatur, est continua quædam historica expositio laudum personæ, & ab historia non differt hoc genus orationis, nisi quod historia narrat simplicius, splendidius orator, & magnificentius.

Caret confirmatione & confutatione, quia non agitur de dubiis rebus. Quanquam alicubi solet dubium incidere, quod aut defendendum, aut excusandum est. Vt si quis Camillum laudet, defendat, non uiolasse pactum, quod cum Gallis Romani perpigerant. Ita si quis Petrum laudet, ostendat lapsum esse, ut declaret exemplum sui in eo diuina misericordia.

DEMONSTRATIO FACTORVM.

Licebit ordiri a commodis eorum, apud quos dicimus, ut si quis Scæuolæ factum laudaret, qui Romam obsidione Porcenæ liberauit. Non dubium est quirites magnæ uoluptati uobis memoriam Scæuolæ esse, qui tot Rempub. commodis unico facto auxit. Atque hæc uidetur proxima ordiendi ratio.

Ab aliis modis ut a nostra persona, a locis, a temporibus, si qua occasio suppeditabit argumentum, ordiri potest. Vt pro M. Mar-

cello a tempore & persona Cæsaris orditur Cice. Diuturni silentii patres conscripti, quo eram his temporibus usus, *non* timore aliquo, sed partim dolore, partim uerecundia *finem* hodiernus dies attulit, idemque initium, quæ uellem, quæque sentirem meo pristino more dicendi, tantam enim mansuetudinem, tam inusitatam inauditamque clementiam, tantum in summa potestate rerum omnium modum, tantamque incredibilem sapientiam, ac pene diuinam tacitus nullo modo præterire possum.

DE NARRATIONE.

In hoc genere raro utimur integris narrationibus, nisi sicubi publice dicendum esset apud eos, qui non tenerent prorsus historiam facti.

Utimum autem propositionibus ut in hunc modum.

Inter ea, quæ præclare gessisti C. Cæsar, non aliud factum plus meretur laudis restitutione M. Marcelli. Sic proponit Cice. in oratione pro M. Marcello. In hunc modum in *epistola*, Inter ea, quæ mihi contigerunt feliciter longe primum puto quod tua mihi consuetudo. &c.

DE CONFIRMATIONE.

Loci sunt honestum, utile, facile, uel difficile. Honestum a natura rei petes, qui locus est in ingenio positus dicentis, & a philosophis petendus.

Vtilitas & facilitas, uel difficultas a circumstantiis petantur.

Circumstantiæ sunt, quis, ubi, quando, apud quos fiat, & quorum auxilio. &c.

DE CONFUTATIONE.

Fere non incidit in laudes confutatio, quia non laudantur ambigua, sed certa, quanquam alicubi sit aliquid excusandum, aut defendendum, ut si quis de Camilli facto dicat, quod patriam restituit & liberauit a Gallis. Hic defendendum est & demonstrandum pactum non esse uiolatum, quod inierat Sulpitius.

Sunt autem loci confutationis contrarii confirmationi.

DE PERORATIONE.

Peroratio breui enumeratione constat & affectu. In lætis mouemus ad congratulandum & imitandum. In tristibus ad commiserandum.

DEMONSTRATIO RERV.

EXORDIUM.

Optimum exordium fuerit, si ab aliqua insigni laude eius rei de qua dicturus es ordiare. Cæterum licebit, & a personis, & ab officio, a locis, temporibus, aliisque modis ordiri, de quibus supra dixi.

Iam & hic spectandum si rem turpem laudaturus sis, ut insinuatione anteuortas animos audientium, & excuses turpitudinem, uel exemplis, uel argumentis.

Exemplum habes Erasmi Morie præfixam Epistolam.

NARRATIO.

In hoc genere narratio nulla est, sed simpliciter proponitur, estque uice narrationis propositio.

Elegans exemplum est apud Politianum in laudem historie.

Inter omne scriptorum genus, quibus uel Græcæ uel Romanæ literæ floruerunt, hi mihi haud dubie de humanis rebus egregie meriti esse uidentur, per quos aut excellentium populorum aut summorum principum aut omnium illustrium uirorum res gestæ fidelibus historiarum monumentis commendatæ sunt.

Ita si quis de pace dicturus sit, proponat. Inter ea, quæ uel publice, uel priuatim salutaria rebus humanis contingere possint, nihil pace prius est.

CONFIRMATIO.

Loci sunt, honestum, utile, facile, seu difficile. Multa enim communia habet hoc genus cum genere deliberatiuo.

Honestum a natura petitur, item a personis, ab inuentoribus, a uetustate.

Utilitas & facultas in circumstantiis posita est.

Exemplum habes historie laudationem apud Politianum item apud Erasmus de re medica. Confirmatio locis contrariis constat.

Peroratio constat enumeratione & affectu, ut supra.

DE GENERE DELIBERATIVO.

Genus deliberatiuum est, quo suademus, aut dissuademus, petimus, hortamur, aut dehortamur. Vfusque eius multus est, cum alias in ciuilibus negociis, tum in Epistolis.

EXORDIVM.

Non aliter atque supra docuimus ordiri, & hic licebit, maxime uero aut ab officio personæ, ne quis putet consuli priuato affectu in rem nostram, sicut apud Salusti. Cæsar. Omnes, qui de rebus dubiis consultant, uacare debent metu, timore, auaricia.

Aut a periculi, uel rei magnitudine, quales pleræque sunt apud Livium ut lib. V. Camillus orditur in hunc modum. Ardeates ueteres amici, noui etiam ciues mei (quando & uestrum beneficium ita tulit, & fortuna hoc egit mea) nemo uestrum conditionis meæ oblitum me huc processisse putet, sed res, & commune periculum coegit, quod quisque possit in re trepida præsidii in medium conferre.

Cæterum & aliunde petuntur exordia. M. Cicero pro lege Manilia beneuolentia tantum a persona sua captat, ostendens qua occasione licuerit in publico dicere, quia scilicet prætor designatus sit. Est ubi aduersarii perfringuntur ut sæpe apud Liuium.

Est ubi mores publici, aut priuati notantur, ut in oratione Porcii Catonis contra luxuriam mulierum Deca. iiii. lib. iiii.

Est ubi ordimur a locis, temporibus, item aliis incidentibus rebus, ut a comprecatione Liuius contra bachanalia lib. ix De. iiii. Nulli unquam contioni tam non solum apta, sed etiam necessaria hæc solennis deorum comprecatio fuit, quæ uos admonere debeat, hos esse deos, quos colere, uenerari, precarique maiores nostri instituissent.

Breuitur in exordiis generis deliberatiui, officium personæ, & necessitas, aut commoditas rei considerantur.

NARRATIO.

In deliberationibus raræ sunt narrationes, sed fere propositionibus uice narrationum utimur, ut uindicare Germaniam a pontificia tyrannide, & pium, & necessarium est hoc tempore.

Nonnunquam breuibz narrationibus utimur, ut cum aliquid ante ea de re gestum est, de qua deliberamus, ut apud Cic. pro lege Manilia, in hunc modum & narratiuncula est in oratione Annibalis ad Scipionem Deca. iiii. lib. x. mire elegans & uenusta.

Narrationem uero debet sequi propositio eius sententiæ, de qua deliberatur, ut apud Liuium. Quod igitur nos maxime abominamur, uos autem ante omnia optaretis, in meliore uestra fortuna agitur agimusque. ii, quorum & maxime interest pacem esse, & quodcunque egerimus, ratum ciuitates nostræ habituræ sunt. Hæc enim propositio est quam e narratione colligit.

CONFIRMATIO.

Loci sunt, honestum, utile, facile, uel difficile. Honestas complectitur uirtutes, prudentiam, iusticiam, pietatem, liberalitatem, clementiam, fortitudinem, temperantiam. &c.

Proinde *qui* uolet ab honesto argumentari, *eum* oportet uirtutum naturas probe tenere. Hic *factorum scriptorum, poetarum, philosophorum* sententias, scite dicta, item *historicorum* exempla oportet in promptu habeamus.

Utilitas, in omni causa spectandum est num quod possit a necessario duci argumentum, uincitur enim necessitate utilitas. Cæterum utilitas posita est in circumstantiis, & nascitur ex ipsa causa.

Facile, uel difficile, huc pertinent possibile & impossibile. Vincitur enim impossibili difficultas, ideo efficacius argumentum est, quod hinc ducitur.

Difficultas commemorat pericula, quæ uel ex ipsa causa, uel a locis communibus, uel a conditione fortunæ colliguntur. In hoc toto genere plurimum ualent exempla.

CONFUTATIO.

Petenda est a contrariis locis. Obseruabis autem ubi honestas a personis petitur, agi rem locis demonstratiuis.

Peroratio enumeratione constat, & affectu. Qualis illa est apud Ouidium in .iii. *Methamor.* in *Vlyssis* oratione contra *Aiacem*.

DE GENERE IUDICIALI.

Iudiciale genus est quo controuersiæ, ac lites continentur. Forense quondam erat, & nunc a nobis eatenus tractabitur, quatenus in literatis causis eius usus est. Nam ut de ciuilibus negociis, ita iisdem fere locis de literatis causis disceptari potest, ut cum Paul. probat, non esse ex operibus iusticiam, certe ciuili argumento usus est, cum ait, Abraham ante circumcisionem iustificatus est, ergo non ex circumcisione.

Status est summaria sententia de qua proprie litigatur, atque adeo breue pronunciatum, seu propositio quæ est controuersiæ summa, & ad quam omnes probationes, etiam argumenta referuntur, ut, Fides iustificat, hæc summaria sententia disputationis Paulinæ dicitur status. Milo Clodium iure occidit, hæc summaria sententia orationis Milonianæ dicitur status.

Singulis statibus sui sunt argumentorum inueniendorum loci. Proinde status recensendi sunt, & digerendi, ut quocunque themate proposito scias quibus argumentandi locis utendum sit.

Sunt autem tres status, Coniecturalis, Legitimus & Iudicialis.

Coniecturalis ex quaestione an sit nascitur, ut cum quaeritur occiderit ne Aiaceum Vlysses.

De legitimo, & iudiciali postea.

Coniecturalium, & in aliis generibus, ut postea indicabimus multus usus est, ideo eius loci diligenter obseruandi sunt.

DE EXORDIIS.

Exordiorum ratio in iudiciali genere eadem est, quæ supra. Ordinatur enim pro conditione causæ, uel ab aduersarii criminatione, uel ab eius pro quo dicimus, commiseratione, qui locus & accusatori & defensori mire utilis est. Alias item a nostræ personæ officio. Alias a iudicis persona. In promptu sunt exempla quibus pro regulis utaris.

Narratio in hoc genere est historica facti commemoratio. Narrabit ergo accusator, sparsis in narrationem multis suspitionibus, quæ causam adiuuare uideantur.

Ex narratione certam collige sententiam, quam probaturus es, nam rhetores narrationi enumerationem subiiciunt, quæ eorum, de quibus dicturi sumus, propositio est, ut pro Milone Cice. post narrationem ait. Nunquid igitur aliud in iudicium uenit / nisi uter utri infidias fecerit? Profecto nihil. Si hic illi, ut ne sit impune: si ille huic, tum nos scelere soluamur: quo nam igitur pacto probari potest infidias Miloni fecisse Clodium? Et hactenus proponit Cicero.

DE CONFIRMATIONE.

Accusatoris confirmatio ab his locis petitur, uoluntate, & potestate, suspicionem enim arguunt hæc duo uoluisse lædere, & potuisse.

Voluntatis loci duo sunt, qualitas personæ & causa inducens ad suscipiendum facinus. Huius duo sunt loci, impulsio & ratiocinatio.

Impulsio est affectus animi, ira, odium, auaricia, aut quæcunque cupiditas.

Ratiocinatio est, quæ a spe commodorum ducitur. quale primum est in Miloniana causa, ubi probatur Miloni Clodium infidiatum esse, Satis est quidem in illa tam audaci, tam nefaria belua docere magnam ei causam, magnam spem in Milonis morte propositam

fuisse. Quam sententiam deinde rhetoricis figuris amplificat, inquit, *Itaque*, illud Cassianum, cui boni fuerit, in his personis ualeat: & si boni nullo emolumento impelluntur in fraudem, improbi sæpe paruo.

Quartus Locus Comprobatio, cum docemus / ad hunc solum pertinuisse comoda.

Potestas tota constat circumstantiis, loco, tempore, uiribus, item signis, quæ uel maxime suspitiones arguunt, & confirmant.

Signa sunt dicta, aut facta, antecedentia, uel consequentia.

Antecedens, ut Clodium ait Cicero dixisse Milonem triduo perituum. Item Clodium habuisse secum comites, barbaros feruos.

Seqvens ut fugit, expalluit, erubuit.

Idem sunt defensoris loci, sed ille addet absolutionem & inuersionem, quibus signa diluuntur.

Absolutio est cum docemus id signum, quod factum est, misericordia & humanitate factum esse, ut sepelii, sed motus misericordia.

Inversio qua docemus signum, *quod* contra nos producit, pro nobis facere, ut non sepelissem, si occidissem. Ita Thucydides non animaduertendum in Mityleneos ne desciscant. Ita Paulus in Gal. Nunquid lex aduersus promissiones, si non iustificat, Imo si lex iustificaret, esset aduersus promissiones dei.

Peroratio constat enumeratione & affectu. Accusator enim inuehitur in reum. Rursus reus iudicis animum sollicitat misericordia & similibus affectibus.

Sicut coniecturalis status ex quæstione an sit nascitur, ita cum de facto constat, quæri solet de iure uel iniuria facti, atque hic status est qui ius, aut iniuriam continet. Negocialis dicitur, uel Iuridicialis.

Exordia, atque narrationes a superioribus pete.

Confirmationis proprii sunt loci.

Est autem duplex status negocialis, absolutus, & assumptiuus.

Absoluti status sunt, cum simpliciter aliquid defenditur, ut in Miloniana simpliciter Milonis factum defenditur. Loci eorum sunt, natura, lex, consuetudo, æquum, & bonum, iudicatum, pactum.

Assumptiuus status, est cum per se defensio infirma est, sed assumpta re extranea tractatur.

Loci eius sunt, concessio, remotio criminis, translatio criminis.

Concessio est, cum reus postulat sibi ignosci, & habet partes, purgationem & deprecationem.

Purgatio est, cum non consulto, sed per imprudentiam, per casum nos peccasse fatemur.

Deprecatio cum imploramus misericordiam. &c. Id autem fit commemoratione laudum iudicis.

Translatio criminis, cum culpam, & crimen fatemur, sed coactos indignitate peccasse. ut Orestes cum matrem occidit, ueniam meretur, coactus scelere matris.

Remotio criminis, cum crimen in alios conferimus, quorum iussu fatemur peccatum esse.

Peroratione, enumeratione & affectu constat.

Legitima constitutio dicitur ubi definitione, contrariis legibus, ambiguis scriptis, ratiocinatione, aut translatione agitur.

Definitione certatur, ut si quis sustulerit e sacro pecuniam *prophanam*. quæritur sacrilegium, an furtum sit admissum.

Quæstio finitionis tractatur dialecticorum locis, argumentis a genere, a differentia ductis.

Contrariarum legum constitutio est, ut contrariarum sententiarum in scripturis, ut filius non portabit iniquitatem patris, et uindicabo iniquitatem patrum in filios. Tractatur autem per circumstantias, altera uel prorsus refutata, uel exposita.

De Ambiguis scriptis dicitur ex scripto, & sententia controuersia nasci, ubi uidetur scriptoris uoluntas in scriptis dissentire. Ut si quis disputet cur Paulus præcipiat bona opera, cum tamen opera non iustificent.

Ex Ambiguo cum una sententia multifariam exponitur. In qua controuersia statuenda est, una aliqua certa sententia confirmanda circumstantiis & mente auctoris. ut si disputetur utrum cum Paulus doceat opera legis non iustificare, uelit hoc intelligi tantum de ceremoniis, an de omnibus legis operibus ceremonialibus & moralibus.

Ratiocinatione constat controuersia, quoties de casu aliquo disputatur, legibus non comprehenso, qui casus simili collato definiri potest.

Translatio plane id est, quod Iurisconfulti exceptionem uocant, ut cum agitur non licere huic accusare. Item non posse hanc causam agi coram hoc iudice.

NOTES.

For a comparison (bibliographical) of the two texts of Cox's Rhetoric see Introduction, supra p. 19. Further, it may be noted in support of the theory that B is the later and revised text that, of the changes noted in B, some one hundred and ten are corrections and improvements upon A, bringing the readings nearer to modern forms, while B gives a poorer reading or a more contracted form than A only some twelve or fifteen times. The punctuation in B is throughout better than in A.

On the date of the Rhetoric see Introduction, supra p. 10.

In the following notes, besides the explanation of the more difficult and unusual references in the text, attention has been called in nearly every instance to the passages which are translated by Cox from Melanchthon's *Institutiones Rhetoricæ* (noted as "M. I"). A few passages translated from the same author's *de Rhetorica* are also cited. It will be seen that something over a third of Cox's text is directly translated from M. I; about a third more is either amplification of hints from M. or consists of direct translation from Cicero, from Melanchthon's *de Rhetorica*, or from other authors; while something less than a third seems to be of Cox's unaided composition. Cox, however, has treated his material very freely and seldom gives us literal translation. After Melanchthon, Cicero is his chief authority. To him he refers more than thirty times in the course of his short treatise. Among other authors mentioned are Aristotle, Demosthenes, Erasmus, Hermogenes, Hermolaus Barbarus, Horace, Livy, Ovid, Plato, Politian, Sallust, Thucydides, Trapezuntius, and Virgil.

Certain general peculiarities in Cox's English may here be noted once for all. These are:

Frequent double negatives, *e. g.*, 73.

The double comparative and superlative, *e. g.*, 59 ("most valiauntest"); 88 ("more gladder").

The form *nat* for *not*, *passim*.

The phrase *that that for that which*: *e. g.*, p. 44 line 28; 47:31; 68:19, etc.

The relatives *who*, *whom* used for both persons and things as in older English.

The word *other* in collective sense (= other people, other things): *e. g.*, 81:35; 88:18, etc.

Past participles in *-ect*, *-ate*, and *-en*, etc.: *e. g.*:

(1) Neglecte 71:18; suspecte 71:35; 72:21; 75:8. Cf. also 64:1; 67:18. Cf. deducte 59:13; 76:14; accepte 42:2; instructe 42:6.

(2) Violate 64:17; abdicate 84:24; approbate 86:37, etc.

(3) *Be* for *been*: *e. g.*, 81:32 ("that have be forgiven"); cf. 42:26.

(4) "to be understonde" 54:36.

(5) Holpen 80:30; founden 74:36; bounden 41:7; understanden 85:12.

Umlant in the comparative: *e. g.*, lenger 61:8; strengner 70:28.

An adjective taking a plural form in -s to agree with its noun, as in French: *e. g.*, 62:14 "oracyons demonstratives." Cf. 68:8; 68:12.

The tone for the one, 84:14. *The tother for the other* 56:12; 73:20; 74:36; 87:20.

In conjunctions: "nat all onely . . . but also," 55:3. So 63:13. "Eyther . . . eyther els" for *either . . . or*, 80:26.

Page 41, line 3. Hugh Faringdon was the last Abbot of Reading and a cleric of considerable prominence in his day. Warton (*Hist. Eng. Poetry*, London, 1871, Vol. IV, p. 10) and others testify to his learning. In 1530 he joined with others in a letter to the Pope "pointing out the evils likely to result from delaying the divorce desired by the king, and again in 1536 he signed the articles of faith . . . which virtually acknowledge the royal supremacy" (*Dict. Natl. Biog.*, XVIII, 206). In 1539, opposing the surrender of his abbey at the dissolution of the monasteries, he was accused of having assisted the northern rebels with money, attainted of high treason, and condemned to be hanged, drawn, and quartered, "which sentence was executed upon him at Reading, November 14, 1539" (Browne Willis, *Hist. of the Mitred Parliamentary Abbies*, London, 1718, Vol. I, p. 161).

42:6. So a little later Sir Thomas Eliot (*The Boke named the Gouernour*, 1531, reprint ed. H. E. S. Croft, London, 1883, Bk. I, ch. xi) urges that at fourteen years the child should be grounded in the Topica of Cicero or of Agricola. "Immediately after that, the arte of Rhetorike wolde be semblably taught, either in greke, out of Hermogines, or of Quintilian in latine." Eliot also recommends Cicero's "De partitione oratoria" and Erasmus' "Copia."

42:19 f. The "werke of Rhethoryke wrytten in the lattyn tongue" is Melanchthon's *Institutiones Rhetoricæ*, 1521. See Introduction, *supra* p. 30.

42:23. "The Phylosopher" referred to is probably Aristotle. See Aristotle's *Rhetoric*, ch. vii.

43:6. On Cox's other works "in this facultye." See Introduction, *supra* p. 21.

43:10 f. Cox here is following Melanchthon's divisions and order, but is freely amplifying his author. See the text of Melanchthon, *supra* p. 91. Such things as the anecdote about Demosthenes, for example, are not in his original.

43:12. "Of any maner thing," *i. e.*, of any kind of thing.

43:18. "He may as well tell," *i. e.*, he is as likely to tell.

43:27. "Sayde ons by demosthenes," *i. e.*, said concerning Demosthenes.

43 : 31 f. Translated directly from Melanchthon: "Difficilimum est invenire," etc. See, *supra* p. 91. Notice how Cox simplifies and rearranges his text, *i. g.*, in the handling of the instance of Clodius, cited by M. in the briefest possible terms, but by Cox laid open for young beginners.

44 : 3. On the "placys" (the "loci" of M., or "topica" of some other rhetoricians) see Wilson's *Arte of Rhetorique*, 1553, fol. 3 b, 62 b, and *passim*.

44 : 25. "An oracyon to the laude and prayse of the Kynge's hyghnesse." Cox was sometime a courtier. See the account of his life in the Introduction, *supra*.

44 : 31. "The fyrste is called Logycall." Melanchthon's "dialecticum."

45 : 9-23 : is direct translation from M. I. So 45 : 26-31. What follows, however, is inserted by Cox.

45 : 24. "To whome oure author levith" · de iis quidem dialectici viderint (M., *supra* p. 91).

45 : 37. See Aristotle's *Nicomachean Ethics*, Book V. Compare Chase's translation: "Justice [is] a moral disposition such that in consequence of it men have the capacity of doing what is just, and actually do it, and wish it."

46 : 6. Cf. Plato's *Meno* (Jowett's translation, last paragraph): "Socrates. Then, Meno, the conclusion is that virtue comes to the virtuous by the gift of God."

46 : 9. "Plato . . . in the beginning of his lawes." See Plato, *Laws*, Book I, Steph., 624 A.

46 : 12 f. What follows is apparently not a translation from Aristotle, but is Cox's interpretation of Aristotle.

47 : 9 f. "Our auctour also in a grete work," etc. See PHILIPPI MELANCHTHONIS DE RHETORICA *libri tres*. Coloniae, 1523. [Sig. B. 4 verso, et seq.]:

"I. Quid iustitia? uirtus qua cuique suum penditur.

"II. Quæ eius causa? uoluntas consentiens cum legibus moribusque.

"III. Quæ species? commutativa & distributiva. Dupliciter enim cum ciuibus communicamus, aut fortunis commutandis, aut humana ciuili-que consuetudine.

"IV. Commutativa quid? iustitia contractuum.

"V. Distributiva quid? iustitia ciuilis vitæ.

"VI. Distributiva quottuplex? publica alia, alia priuata. Publica, pietas est, imò est omnium uirtutum corona quædam, ciuilem hominum inter se consuetudinem, magistratuum cum ciuibus, uicissim ciuium cum magistratibus, conseruans. Priuata, ciuium inter honesta & tranquilla consuetudo.

"VII. Officia, reddere ciui, magistratui, patriæ, liberis, coniugibus, amicis, quod debetur.

"VIII. Comparatio specierum. [This section Cox omits.]

"IX. Affinia, fortitudo, liberalitas, temperantia.

"X. Contraria, metus, auaritia, luxus &c."

Compare the "Example in commendacion of Justice" in Wilson, fol. 13b et seq., in illustration of the same point.

47 : 35—48 : 6. Added by Cox.

48 : 7—49 : 24. This entire passage is a direct but free translation from M. 1.

49 : 25 f. Follows M. generally, but the illustrations are supplied by Cox. It will be noticed that Cox here as elsewhere freely omits whole sentences from his original.

50 : 1—28. Direct translation, with the addition of explanatory phrases.

50 : 16. "Benevolence is the place," etc. From Melanchthon, *de Rhetorica* (ed. of 1523, C viii a): "Benevolentiam captamus, aut à nostra persona, aut ab audientium persona, aut ab ipsa causa."

50 : 22. "Out of this place [of 'Benevolence'] is set the preamble of St. Gregory Nazazene, made to the prayse of St. Basyl." See *Opera Magni Basilii* . . . Romæ 1515, fol. iii a: "Monodia Grægorii Nazianzeni in Magnum Basilium."

" . . . Ego uero si hac uti facultate ullo *unquam* tempore debeo: nesciam profecto ubi melius aut religiosius siue oportunius *quam* in huius laudibus uires meas omnis intendam. Quod officium tribus omnino de causis mihi adsumendum duxi. Primum, ut amicissimi ac mei amatissimi pietatis hoc munus, quando aliud nequeo, extremum impendam. Deinde ut omnibus bonis & illius uirtutem colentibus atque admirantibus rem gratissimam faciam. Postremo quod exitum qualemcumque sortiatur oratio, feliciter eueniet. Nam si prope ad eius meritorum narrationis me tam peruenerit: id potissimum quod optamus adsequemur nostra dictio magnopere commendabitur. Si uero longe," etc. (as below).

There seems to be no passage corresponding to this in the original Greek text as printed in Migne, *Patrologiæ Cursus Completus*, Paris 1858, Vol. XXXVI pp. 493 f., nor in the Latin translation accompanying that edition. Perhaps Cox after all went no farther than Melanchthon.

51 : 3—52 : 2. Direct translation.

51 : 24. "And so taketh St. Nazazene benevolence" etc.

Op. cit., fol. iii a: " . . . Si uero longe infra spem remaneat huius maxime sancti commendationi adcedet: quod eius laus ac vita omni sit commendationi superior. Virtus namque encomii illa demum est: quemadmodum ea quæ laudantur omni sint oratione superiora ostendere."

52 : 3-11. Cox's addition. 52 : 12-53 : 7. Direct translation.

52 : 29. "Aristides . . . his oracion made to the prayse of Rome." See Aristides, *Ῥώμης ἐγκώμιον*, in *Aristides ex recensione Dindorfii*, vol. I, 321.

53 : 4. The opening sentence of Cicero's oration *pro lege Agraria* is not given in M. I.

53 : 8 f. Free translation or paraphrase, with many additions; the severe arraignment of the poets is chiefly Cox's, although suggested in M. I.

54 : 1. The *Moria Encomium* of Erasmus, 1512. The general tenor of the Epistle Dedicatory, which is addressed to Sir Thomas More, is to suggest a defense of the author's theme by "Insinuation."

54 : 3 f. "Another example hath the same Erasmus in his seconde Boke of Copia." See "Desyderii Erasmi Roterodami de duplici Copia Verborum, ac Rerum Commentarij duo. . . . Argentorati M.D.XXI." Liber Secundus, De partium rhetoricorum multiplicatione. Fol. LXXVII b.

"Vt si proposueris laudare Platonis dogma de uxoribus communibus, ut hoc exempli causa sumatur, dices non te fugere te rem omnium sententia absurdissimam polliceri. Verum illud orabis ut tantisper iudicium suum differant, donec argumentorum summam audierint, nihil diffidere te quin penitus exposita re sint in diuersam sententiam pedibus ituri. Tantum illud cogitent, hoc quicquid est, non esse temere dictum a tanto philosopho, quique caeteris in rebus ob excellentiam ingenij, diuini cognomen promeruerit." This reference to Erasmus is not in M.

54 : 3 f. Additions by Cox.

54 : 26-55 : 17. Direct translation, with free amplification and rearrangement.

55 : 18 f. Amplification of the topic by Cox, who supplies new illustrations and interpretation.

55 : 22. Horace, *Satira* IV :

"Insuevit pater optimus hoc me,
Ut fugerem, exemplis vitiorum quæque notando."

55 : 26. Terence, *Andria*, Act I, Sc. i, 55-59.

56 : 3 f. Sallust, *Catiline*, LIV.

57 : 1. "The oracion that Hermolaus Barbarus made to the Emperour Frederike and Maximilian his son." Printed with the works of Politian, viz.: *Omnium Angelj Politiani operum* Tomus prior . . . [etc.] . . Parrhisiis M.D.XII. fols. XCIII a-XCVI a (five pages folio): "Oratio Hermolai Barbari Zachariæ. F. Legati Veneti: ad Federicum imperatorem & Maximilianum Regem Romanorum principes inuictissimos."

57 : 5-24. Translation (indirect in part) from M. I.

57 : 27. "in an other greater worke he declareth it thus briefly : " *i. e.*, Melanchthon's *de Rhetorica* (ed. 1523, Sig. D. 3. a) : "Sunt *et* mortis præconia, ut eorum qui vitam pro patria perdiderunt." M. goes on to discuss this *locus* for several lines further.

57 : 31. "An epistle that Angele Policiane writeth in his fourth boke of epistels, to James Antiquarie, of [*i. e.*, concerning] Laurence Medices" May be found in "Illustrium Virorum Epistolæ ab Angelo Politiano partim scriptæ, partim collectæ," etc., 1526 (not the first edition), (Brit. Mus. copy, press mark 10905. g. 1.) Fol. XCa to XCVb [Sig. M ij recto]. Written in answer to inquiries made by "Jacobus Antiquarius" on hearing of the death of Lorenzo. Dated XV. Calend. Iunias. MCCCCXCII, In Fæsulano Rusculo. The following analysis of the letter precedes :

"Cur tardius responderit causa fuit dolor ex morte Laurentij. Hypochondriorum dolori febris accessit. De peccatis ad sacerdotem Laurentius confitetur. Sacrosanctum corpus Christi venerabundus suscipit. Filium Petrum hortatur consolaturque. Politianum alloquitur. Cum Pico (quem accersi iusserat) loquitur. Ferrariensi Hieronymo, qui salutis eum admonebat, respondet aduersus mortem interritum se esse. Extrema vnctione vnctus euangelia sibi Christique passionem recitari postulat. Exosculans crucem naturæ satisfacit. Amplissima eius laus enumeratur. In tribus liberis eius Florentinorum spes consolationesque collocatæ sunt, in Petro, Ioanne, Iuliano. Petrus pietate in ægrotum patrem, in ciues humanitate, vtilitateque administrandæ reipublicæ commendatur. Laurentij funus non admodum magnificum. Prodigia quaedam enarrantur." See references to this letter in Symond's *Italian Renaissance*, I, 523*n*; II, 355, 533.

57 : 35—58 : 9. Direct translation.

58 : 10 f. This example of Camillus (as well as the next of "the laude of Saynt Peter") is suggested in M. I, but Cox expands the four lines of M. to some fifty, evidently having recourse directly to Livy for his materials.

59 : 5. See Livy, *History of Rome*, Book V, Ch. xlix.

59 : 23 f. "The author in his greater worke." The reference is again to Melanchthon's *De Rhetorica*. See ed. 1523, D iv a : "Carolus Cæsarem laudatur cum hoc agat ordine. Exemplum.

Natales ex Pipino patre, qui primus intulit nomen Christianissimi nomini Francorum, avo Martello principe bellica gloria cum nemine necque majorum, necque posteriorum conferendo.

¶ Educatio, puer sub Petro Pisano meruit literis latinis & græcis.

¶ Adulescentiam in armis egit Tyro sub patre fortissimo viro in Aquitanis, ubi & Sarracenicam linguam didicit.

¶ Juvenis regnum adeptus Aquitaniam, Italiam, Sueviam, Saxonas paca-

vit, atque hæc quidem bella ea fœlicitate gesta sunt, ut *magis* vicerit autoritate, & prudentia, quam sanguine civium. Ad hæc accedunt pleraque pietatis exempla, potissimum *quod* scholam Parisiorum dicavit. Hic digredi licet quam honeste sint principibus viris *literæ* atque *eæ* maxime *quæ* ad pietatem pertinent. Et hic fiat comparatio civilium & bellicarum virtutum, sane tale *esse* historię filium ut longe civilibus *præstitisse* videant. Nihil *non* prius pace habuit. Clementia tali, ut noxiis etiam, si *quæ* liceret parceret; pietatis adeo amans, ut assiduo *usus* sit Alcuino Anglo de divinis differente. In plerisque constantini Cæsaris similimus, cuius comparatione nonnihil crescit Carolus.

Senectus pacata, hoc uno infortunata *quod non* conveniebat *prorsum* inter filios.

Mors, consecutanea mortis ampla reliquit unum ex se filium, optimum principem Ludovicum pium, inter hæc sæpe excursionibus de horum temporum moribus declamare licet."

The reference to the "sayings of the gospel" which follows in Cox does not appear in Melancthon.

60 : 29 f. Follows M. I. Cox as usual however has taken the illustrations suggested by M. and explained them at length in all their circumstances. The account of Scevola is condensed from Livy, Book 11, Ch. xii.

62 : 16—63 : 11. Translation from M. I. See supra pp. 95—96.

63 : 11—18. Amplification and paraphrase of M.

63 : 19—21, 24—27. Translation from M. I.

63 : 23. The reference to Erasmus is Cox's own. See "Libellus de Conscribendis epistolis, Autore D. Erasmo. . . . Apud præclaram Cantabrigiensem Academiam. Anno. M.D.XXI." ["The second book printed at Cambridge"], fol. XIb—XLIIa, "DE EPISTOLA SUASORIA." In which some of the topics treated are [I quote from the marginal analysis]: Quibus partibus constet suasoria epistola. Narratio. Diuisio. Confutatio. . . . Definitiones singulorum. Honestum. Rectum. Virtus. Officium. . . . Laudabile. Vtile. . . . De simplici conclusione. Persona. Nomen. Natura. . . . etc., etc.

64 : 9—65 : 28. Translation from M. I.

64 : 25—27. This copybook moral is added by Cox.

65 : 2. "As Erasmus dothe in his epistle prefixed afore his oracyon made to the prayse of folysshnes." See "Moriæ Encomium Erasmi Roterodami Declamatio . . . Anuerpienn M.D.XII," and innumerable other editions. The epistle is addressed to Thomas More. Its length is three quarto (= octavo size) pages.

65 : 10. "Polycyans oracyons made to the laude of hystories" are also cited several times in M's. *de Rhetorica* (e.g. ed. 1523 D vi, a and b).

65 : 29 f. Not in M. Drawn by Cox probably from Erasmus. The laude of matrimony was a subject which Erasmus treated on several occasions (*e.g.* in his *Praise of Folly*, *Colloquies*, etc.). See the translation in Wilson's *Arte of Rhetorique*, 1553 (fol. 21 b. et seq.), of "An Epistle to perswade a young ientleman to Mariage, deuised by Erasmus in the behale of his frende."

66 : 5. See Erasmus, "Declamationes duæ. Altera exhortatoria de Matrimonio; altera Artis Medicæ Laudes Complectens." Cologne 1518.

66 : 3—67 : 23. Translation from M. I. See supra pp. 97—98.

66 : 24. See Sallust, *Catiline* Ch. li. M. only paraphrases Sallust's text and does not quote it directly. Cox goes to the original and translates an additional sentence, *i. e.* "Haud facile animus verum providet, ubi illa officiunt."

66 : 32. Livy, Book V, Ch. xlv.

67 : 14. Cicero, *pro lege Manilia*.

67 : 22. "The oracyon that Porcyus Cato made agaynste the sumptuousnes of the women of Rome." In Livy, *History of Rome*, Bk. XXXIV, Ch. ii. What follows is translated by Cox out of Livy.

67 : 34—68 : 13. Translation from M. I. See supra p. 98.

67 : 36. "As Livius . . . begynneth his oracyon," *i. e.*, the speech attributed to the consul Posthumius by Livy, Book XXXIX, Ch. xv.

68 : 13. Cox introduces here a very significant variation from his original. Instead of Cox's remark in regard to the need of unity in the church, Melanchthon's illustration runs: "ut vindicare Germaniam à pontificia tyrannide, et pium et necessarium est hoc tempore." Cox is writing in the days of Henry VIII before the actual separation from Rome and before he had become one of Edward VI's preachers of the reformed faith. The party of the humanists, More, Erasmus, and their followers, while standing for reform, stood also for unity in the church.

68 : 17—20, 25—28. Translations from M. I. See supra p. 98. The quotations from Cicero and Livy are not given at length in M.

68 : 21. See Cicero, *pro lege Manilia* ii: "Bellum grave et periculosum vestris vectigalibus atque sociis a duobus potentissimis regibus inferitur, Mithridate et Tigraue."

68 : 26—69 : 23. See Livy, Bk. XXX, Ch. xxx.

69 : 27—32. See Livy, loc. cit.

69 : 24—26, 33—35. Translation from M. I.

69 : 35—70 : 8. Explanatory matter added by Cox.

70 : 6. "The greke proverbe :"

δύσκολα τὰ καλὰ

Beautiful things are difficult.

70 : 9—21, 25—28. Translation with amplification from M. I.

71:6-7, 10-16, 22-33. Translation from M. I. See supra p. 99.

71:10 f. Note the significant omissions from the original of Melanchthon. (See supra p. 99). Allusions of a theological or Protestant bearing are carefully excluded by Cox. Later in life we find Cox writing or translating entire treatises on such subjects.

71:30 f. On these three "States" see Wilson, *Arte of Rhetorique* 1553, fol. 49 f.

72:3 f. This "example" is merely hinted at in M. I. Cox brings the story-at-length perhaps out of Melanchthon's *de Rhetorica*, or from Trapezuntius (ed. 1522, fol. 20 b); both under the same topic of State Conjectural give the Ulysses-Ajax example.

72:24-34. Translation from M. I. See supra p. 100.

73:1 f. See Cicero, *pro Milone* x.

73:1-75:4. Not found in M. I.

74:13 f. See Cicero, *pre lege Manilia* ii: "Primum mihi videtur de genere belli; deinde de magnitudine; tum de imperatore deligendo esse dicendum."

74:23 f. Op. cit. x.

75:5-13. Translation from M. I. See supra p. 100.

75:18 f. See Cicero, *pro L. Flacco*, iv.

75:33 f. The citation of traits of national character was a stock illustration in the old Rhetorics. E.g. Wilson's *Arte of Rhetorique* fol. 95 a. See also Erasmus, *Praise of Folly*, 91.

76:7 f. In Ovid, *Epistolæ Heroidum* II.

76:17. See Terence, *Andria*, Act I, Sc. i, 52-54.

76:21. Ovid, op. cit., xiv.

77:2 f. See Cicero, *in L. Pisonem* 1.

77:31-34, 78:17-26. Here Cox takes up again the thread of his original, dropped since p. 58. See supra pp. 100-101. As usual, much is added not to be found in M. I.

77:35. Terence, *Andria*, Act I, Sc. i, at end.

78:4. Ovid, op. cit., V.

78:31-79:9, 79:18-32, 80:4-17, 29-37, 81:5-6. Free translation from M. I. See supra p. 101.

81:1. See Sallust, *Catilina*, LII.

81:8-82:4. See Cicero, *de Inventione*, Bk. II, Ch. xxxv. A direct translation.

82:18 f. After M. I. Cox has as usual expanded M.'s illustration (of Orestes).

82:31-83:1. Translation from M. I.

83:4. Here again Cox abandons M., who is treading on the dangerous ground of religious illustration. He now turns to Cicero, whom he fol-

lows intermittently through the rest of this work. See Cicero, *de Inventione*, Bk. II, Ch. xl. The illustration that follows is translated from Ch. li of the same work.

84:14 f. The two illustrations which follow seem to be furnished by Cox independently.

85:27 f. A similar illustration with somewhat different terms is recited by Cicero, Ch. xl.

86:30-32. Translation from M. I. See supra p. 102. The illustration which follows is drawn from Cicero, Ch. l.

87:19-21. Translation from M. I. See supra p. 102.

87:18. "He shulde nat have suffred of convenient," *i. e.*, properly, justly.

87:34. Cox probably means only that his work, like the *de Inventione* of Cicero, covers only the one division of Rhetoric concerned with invention, although he may also intend here to record his obligations in the last part of his own work to Cicero's work.

88:2. Similarly Melanchthon (*de Rhetorica*, C viii a) refers readers who may desire a more extended treatment of the subject to Trapezuntius. Trapezuntius presents little more than a paraphrase of Hermogenes. The latter was a Greek rhetorician of the time of Marcus Aurelius who wrote five works covering the field of rhetoric. On the Rhetoric of Trapezuntius cf. Voigt, *Wiederbelebung des classischen Alterthums* (Berlin, 1893) Vol. II, 443.

88:5. Horace, *Ars Poetica*, 335-6.

88:9. Justinian, *Institutiones*, Liber Primus, I De iustitia et iure: . . . "si statim ab initio rudem adhuc et infirmum animum studiosi multitudine ac varietate rerum oneravimus, duorum alterum aut desertorem studiosorem efficiemus aut cum magno labore eius, sæpe etiam cum diffidentia" . . . etc.

88:19. Cox probably refers to Aristotle's *Metaphysics*, 993 B 13-15: "It is just to be grateful, not only to those whose opinions we share, but also to more superficial thinkers, for these too have contributed something. For they have helped our development." And see what follows.

—In B the colophon reads as follows:

"Imprinted at London in Fletestrete by saynt Dunstones chyrche / at the sygne of the George / by me Robert Redman. The yere of our lorde god a thousande/fyue hundred and two and thyrtty. Cum priuilegio."

Beneath there is a woodcut of architectural scrolls. F viii recto is blank. F viii verso contains a woodcut representing two nude figures holding a shield on which appears the monogram of Robert Redman, with his name below. The shield is surmounted by a helmet with scrolls.

GLOSSARIAL INDEX.

Including the chief technical terms of rhetoric used, and the names of the chief writers and others cited by Cox.

The several references to the use of similar technical terms of rhetoric in "Wilson" that follow are to Sir Thos. Wilson's *Arte of Rhetorique*, 1553.

- "Abdicate** or forsaken of his father"
84 : 24, 28
- Abiecte** 84 : 19 cast off, disowned
- Absolute** state negociall 80 : 10 f.
- Absolution, absolucyon** (in Rhetoric)
79 : 10 f. (defined)
- Accepte** 42 : 2 acceptable
- Ado** 73 : 9 concern, interest
- Affectuouse** 54 : 28 full of emotion. Lat.,
"hæc affectum verba"
- Affynes** 47 : 12, 33 the "Affinia" of
Melanchthon. Things having affinity
with other things
- Afore** 42 : 3; 48 : 23, etc., before
- Alleuiate** 54 : 18 ("to a. your mindes")
to lighten, to relieve
- Almaynes** 75 : 35 Germans
- Alonly** 50 : 11 only, alone
- Ambages** 55 : 9 to use a. = "to go
... rounde about the bussh."
- Ambassades** 41 : 30; 82 : 11 embassy,
embassy
- Angele* see Policiane
- Antecessours** 41 : 12 predecessors
- Antytheme (A), Anthethem (B)** 44 : 7
the matter which the orator shall
speak of
- Apeyreth** 42 : 8 M. E. Apeyren, to
harm, impair
- Approbate** 86 : 37 approved
- Appropred** 80 : 7 appropriated, set
aside as proper
- Apte** 41 : 30 likely, fitted
- Aquiatyn** 59 : 36 (Aquitaine)
- Aristides* 52
- Aristotle* 42, 45, 46, 88
- Assay** 43 : 4 essay, attempt
- Assumptyue** state negociall 80 : 29 f.,
Cf. Wilson fol. 53 b
- Attencion** 50 : 13; 54 : 31 one of the
"places" of the Preamble
- Attendaunce** 54 : 36 attention
- Attente** 54 : 32 attentive
- Auaunced** 81 : 30 advanced
- Auctoritie** 57 : 20; 60 : 2, etc., authority
- Audyence** 54 : 32 the act of hearing
- Austen, St.* 57
- Barbarus* see Hermolaus
- Barbours** 80 : 20 barbarous
- Basyl, St.* 50 f.
- Batyle (A); bataile (B);** 58 : 28; 53 : 14
battle
- Be** 42 : 26 for *been* in pl. indic.
- Beneuolence** 50 : 13 f., etc., one of the
"places" of the Preamble
- Bewrayed** 61 : 21 revealed, made
known
- Blake** 53 : 29 black
- Bounden** 41 : 7 for *bound*
- Brenne** 61 : 32; **Brente** 62 : 5 to burn
- Bruyt** 56 : 12 reputation
- Buckled** 73 : 28 "They b. togyther,"
they encountred or fought
- By Cause** = because 46 : 5; 86 : 5, etc.
- Byenge** 47 : 7 buying
- Caleys*, a law of, 85
- Camillus*, Roman dictator 58
- Carrynge** 53 : 18 to "carry on"
- Caste** 78 : 15 ("caste hym afore the
senate") accused, convicted
- Cato* 56
- Cesar* 56, 62, 66
- Charles, i. e.*, Charlemagne 59 f.
- Chirurgiens** 83 : 28 surgeons

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Commodious 65 : 17 profitable

Commodities 60 : 33; 65 : 19, etc., interest, advantage

Commune 43 : 12; 44 : 24, etc., to converse

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Coniecturall 71 (state c. in deliberative oratory) Cf. Wilson, fol. XLIX

Conster 84 : 8 to construe

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To Contrarye 84 : 14 to run contrary to

Conuentyent 41 : 24; 43 : 15, etc., suitable, apt, becoming

Coroune (A); **crowne** (B) 47 : 24

Craft 41 : 1; 44 : 35; 49 : 14, etc., (see title-page) art, skill, artificio

Crafty 51 : 6; 71 : 20 skilful

Craye 83 : 9 a small vessel

Cunynge 41 : 8 skilful, knowing

Curiositie 58 : 2; 88 : 11 nicety, curious art

Deceytable 79 : 12 deceptive

Deducte 59 : 13, etc., deduced

Defayt 58 : 30 to deprive, to defeat

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Definicion (in Rhetoric) 45 f.; 83 : 2 f., Cf. Wilson 52

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Dialectual (A); **dialectycall** (B) 47 : 35

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- Facundiose** 75:25 eloquent
- Fantasyes** 75:34
- Faryngton, Hugh*, Abbot of Redyng 41, 87
- Fayctes** 56:24; **faytes** 58:29; deeds
- Fere** 70:5 to cause fear to, to frighten
- Fet** 52:25; 63:19, etc., fetched; "fer fet" 54:27
- Folowinges** 60:22 things that follow.
- Fyers** (= fierce) 76:24
- Gate** 83:25, etc., got
- Gostely** 60:17 spiritual
- Gouernour** 83:10, 16 pilot or master of a ship
- Gregory, St., Nazazene* 50 f.
- Handes** 74:27. "A man of his h."
- Haniball* 68 f.
- Henry VIII* 41, 44
- Hermogines* 88
- Hermolaus Barbarus* 57
- Historicyens** 60:36 historians.
- Holpe** 83:25; **Holpen** 80:30 helped.
- Homer* 53. Cf. 71, 72 f. (the latter are drawn from Ovid, more directly)
- Horace* (fourth satire), 55, (*Ars Poetica*) 88
- Ieoperdouse** 63:17, hazardous, perilous
- Ill** see *yl*.
- Importunatnes** 67:28 importunity
- Improue**, (v.t.) 48:9; 75:19, to disprove. So "Improuynge", disproving 49:5. See *Reprounge*.
- Impulsion** ("naturall i.") 77:33 f.
- Incontinent** 73:35 forthwith
- Induced** 64:11 introduced
- Insinuacion** (in Rhetoric), 53:8 f.
- Instruete** 42:6 instructed
- Instruments** (in Rhetoric) 45:18 = *organana* of M.
- Inuencyon**: 43:13 f. Cf. Wilson fol. 3b
- Inuercion** (B) [Inuencion (A), by error] . 79:18 f.
- Ironiously** 81:1 ironically
- Iudiciall oracion** 44:33; 71 f. State
- Iudiciall** 71. See "iuridiciall"
- Iuridiciall** 79:27 f. ("state i.") Cf. Wilson fol. 47a, 53b
- James Antiquarie* 57
- Justinian*, the Emperour 88
- Knowledge** 54:16 to acknowledge.
- Knyte** 45:9 knit
- Kyndely** 76:11 after the way of kind or nature.
- Kynred** 81:24 kindred
- Lake** (A) = **lacke** (B): 43:17 etc., etc.
- Larcyne** (A); **larrecine** (B) 75:36 thievishness
- Laude** 44:25; 57:5, etc., praise
- Layeth** for him 82:27; 83:30 argues on his own behalf Cf. 84:24
- Layth** vnto 75:20 inveighs against
- Legitime or legall** justice 46:13. State legitime 71; 82:33 f. Cf. Wilson fol. 49a.
- Lese** 83:6, etc., to lose
- Let** (= to prevent, hinder) 78:24
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- Longeth** (A); **belongeth** (B). 48:21; Cf. 46:31; 71:16, etc.
- Longynge** (A), **belongyng** (B) 45:31
- Losel** 53:21 a low fellow (*i.e.*, Thersites)
- Lyesser** (A); **leyser** (B) 78:32 leisure
- Maystry** 75:27 "they bere the m." they excell, or are masters. Cf. 87:27 [*Melanchthon*] "our author" etc. 42, 47, 57, 59
- Mere** 58:23, etc., absolute
- Merites** (B); **merytes** (A) 4:33 rewards, benefits
- Metely** 51:7 measurably
- Meuyd** 57:13 moved
- Moo, mo** 50:9; 80:36 more
- Mucius* see *Sceuela*
- Narracion** (part of an oration) 55:11 f. Cf. Wilson fol. 4a, 58b, etc.
- Nat** = not 50:11 (so passim)
- Nazazene* see *Gregory* [*Nazianzene* (B)]
- Negociall** 79:32 f. ("state n. or iuridiciall")
- Nones**, for the nones 52:21; 76:37; for the nonce, for the occasion

- Nother** (A); **neyther** (B) 46:25 —
 nother . . . nother = neither . . .
 nor, 46:25; 49:34
- Noughty** 75:15 bad
- Offyce**, *i. e.*, duty (one of the "places"
 of Rhetoric) 51:3
- On slepe** 42:16 (to fall on slepe)
- Ones** 42:6; 52:8, etc., once
- Oppresse** 81:13 suppress, cover over
- Oppressyd** 78:13 repressed
- Opyn** 44:17; 53:32 plain, manifest
- Or** 42:13; **or euer** 42:27 ere
- Orestes* 82
- Other** (A) **eyther** (B) 47:17 either
- Ought** = owed 69:34
- Ovide* 71 (his "Metamorphosy"); *Epis-
 tles* 76, 78
- Parentele** 57:14; 59:27 parentage
- Penury** 61:6 ("p. of wheat") dearth
- Peregrine** or straunge prohemies 52:26,
 foreign (*Lat.* Peregrina exordia)
- Pernicion** 56:18 destruction, severe
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- Persuadible** (B); **Parsuadyble** (A)
 41:28 that which persuades, or is
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- Phrenesy** 72:11 frenzy, madness
- Placys** 44:3 f. the Places or Topica of
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- Plato* 46, 54
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- Plutarche*, his "Lives" 56
- Poetes* fayne and lye 53
- Pointment** 62:2 an agreement, ap-
 pointment
- Policiane* 57, 65, 66
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- Pose** 84:18; 85:2 to put the case,
 suppose
- Poynte** 73:3 to appoint
- Preamble** 50:10 f.
- Preface** 72:24. See Proeme
- Prepensyd** 41:23 considered before-
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- Prepose** (A); **purpose** (B) 42:3 propose
- Pretenced** 78:24 intended
- Preuent** 73:12 to secure in advance
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- Proeme** 51:32; 52:24 preamble, ex-
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- Proposicion** (in Rhetoric) 63 f.
- Proposion** 65:9, 18; 68:12 for propo-
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 75:31, etc., faculty, virtue
- Purgacion** (in Rhetoric) 80:37
- Pyked** 53:16, pointed, peaked; 76:35
 picked
- Pynchynge** 51:29 to accuse, blame.
Orig. Lat. perstringere
- Quenes** 76:36 queans, wenches
- Raciocination** 77:32 f.; 78:17 f.
- Redman* (*Robert*), the printer 88
- Redyng*, town of 41
- Refell** 84:4 to refute
- Refellynge** 71:4 refuting
- Reioyse** 52:8 joy, cause of rejoicing
- Remocion** of the faute 82:8 f.
- Reprouynge** 58:4 disproving. See
 Improue
- Saluste* 56, 66, 81
- Sceuola*, *Caius Mucius* 61 f.
- Seiunction** 74 f., a part of "Diuisiion"
- Selden** 63:2 seldom
- Sene** 53:28, scene, drama
- Sensible** 42:1 perceptible
- Seruisable** 41:16 prepared for render-
 ing service
- Soilynge** 64:10; 71:4, refuting or
 impugning
- Somdele** 54:18, etc., somewhat
- Speces** (A); **spices** (B) 44:33; 47:8
 Species, or "kindes of oracions"
- State** (in Rhetoric) 71 f. etc. *Lat.*
status, *Gr.* *στάσις*, the character of
 the case as determined by the nature
 of the proposition on which issue is
 joined. Cf. Wilson 48 b (for defini-
 tion)
- Statute** (v.t.) 46:16 ("to make or
 statute laws")
- Stegie*, for *Styx* 53:31

- Stepend** (A); **stipende** (B) 41:15
Sterne 83: rudder, tiller. *Lat.* gubernaculum
Streightly (A); **straytly** (B) 41:15 narrowly, closely
Stuttet 79:7 stuttered
Surete 56:11 rectitude, trustworthiness
Surryen 77:5. *Lat.* Syrus
Suspecte 53:24; 71:35, etc., open to suspicion
Swaueland 59:36 Suabia
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Temerarious 51:33 headstrong, rash
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